

United States  
Circuit Court of Appeals

For the Ninth Circuit. 11

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ANDREW W. MELLON (Director General of  
Railroads), as Agent,

Plaintiff in Error,

vs.

STANDARD OIL COMPANY (CALIFORNIA),  
a Corporation,

Defendant in Error.

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Transcript of Record.

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Upon Writ of Error to the Southern Division of the United  
States District Court of the Northern District  
of California, Second Division.

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FILED

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F. D. MONCKTON,  
CLERK



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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF ATTORNEYS  
OF RECORD.

Messrs. PILLSBURY, MADISON & SUTRO,  
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Attorney for Plaintiff and Appellee.

ALEX M. BULL, Esq., Hurley Wright Bldg.,  
Washington, D. C. and JAMES E. LYONS,  
Esq., 65 Market St., San Francisco, Calif.,  
Attorneys for Defendant and Appellant.

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In the Southern Division of the United States Dis-  
trict Court, for the Northern District of Cali-  
fornia, Second Division.

No. 17,264.

STANDARD OIL COMPANY (CALIFORNIA),  
a Corporation,

Plaintiff,

vs.

JAMES C. DAVIS (Director-General of Railroads)  
as Agent, AMADOR CENTRAL RAIL-  
ROAD COMPANY, a Corporation, HOL-  
TON INTER-URBAN RAILWAY COM-  
PANY, a Corporation, NEVADA COPPER  
BELT RAILROAD COMPANY, a Corpora-  
tion, NEVADA-CALIFORNIA-OREGON  
RAILWAY, a Corporation, PACIFIC  
ELECTRIC RAILWAY COMPANY, a  
Corporation, VIRGINIA & TRUCKEE  
RAILWAY, a Corporation, SAN DIEGO

AND ARIZONA RAILWAY COMPANY,  
a Corporation, YOSEMITE VALLEY  
RAILWAY COMPANY, a Corporation,  
Defendants.

PETITION.

Comes now the plaintiff above named and for cause of action against the defendants above named, respectfully shows:

I.

That plaintiff above named, is and at all times herein mentioned was a corporation organized and existing under and by virtue of the laws of the State of California with its principal office located in and a resident of the city and county of San Francisco, California, which said city and county is in the Southern Division of the District Court of the United States, for the Northern District of California. [1\*]

II.

That the defendant, James C. Davis, was and is at the time of filing this petition, the duly appointed, qualified and acting agent designated by the President of the United States for the purposes declared in that certain act of Congress entitled "An act to provide for the termination of federal control of railroads and systems of transportation and for other purposes," commonly known and styled as the "Transportation Act, 1920," approved by the President of the United States on February 28,

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\*Page-number appearing at the foot of page of original certified Transcript of Record.



1920, and particularly for the purposes declared in section 206, paragraph A thereof. That the said James C. Davis as Director-General of Railroads, as Agent, and John Barton Payne, his predecessor, as Director-General of Railroads, as Agent, operated certain railroads transporting the shipments hereinafter referred to, the roads of which railroads now run, and then ran, through the Southern Division of the District Court of the United States for the Northern District of California.

### III.

That plaintiff is informed and believes, and therefore alleges that Amador Central Railroad Company, Holton Inter-Urban Railway Company, Nevada Copper Belt Railroad Company, Nevada-California-Oregon Railway, Pacific Electric Railway Company, Virginia & Truckee Railway Company, San Diego and Arizona Railway Company, and Yosemite Valley Railroad Company, defendants above named, are and each of them is and was at all times herein mentioned, a corporation existing under and by virtue of the laws of the State of California, and operating lines of railroads and engaged in the transportation of property between points in the states of California and/or Nevada, as common carriers.

### IV.

That during the period extending from August 1, 1918, [2] to and including February 29, 1920, your petitioner shipped or caused to be shipped in carload quantities petroleum products from and to

certain points more particularly described in Exhibit "A" of the complaint in Docket 12,890, before the Interstate Commerce Commission, between the respective parties hereto, which said complaint and exhibit is hereto attached, marked Exhibit 1 and hereby made a part hereof as if fully set forth herein.

V.

That the rates on file with the Interstate Commerce Commission, as of June 24, 1918, from and to the following points, were as follows:



From	To	Rate	Commodity
Rochester, N. Y.	Colfax, Wash.	\$1.28	Petroleum Products
El Segunda, Cal.	Holtville, Cal.	.63½	Petroleum Products
El Segunda, Cal.	Holtville, Cal.	.51½	Engine (Naphtha) Distillate
Ardmore, Okla.	Holtville, Cal.	1.11½	Gasoline
Dallas, Tex.	Holtville, Cal.	1.11½	Gasoline
Harrys, Tex.	Holtville, Cal.	1.11½	Gasoline
Cushing, Okla.	Holtville, Cal.	1.11½	Gasoline
Ardmore, Okla.	Calexico, Cal.	1.01½	Petroleum Products
Rochester, N. Y.	Willbridge, Ore.	1.28	Petroleum Products
Salt Lake City, Utah	Yerington, Nev.	1.10½	Petroleum Products
Ardmore, Okla.	Yerington, Nev.	1.25½	Gasoline
Richmond, Cal.	Yerington, Nev.	.84	Petroleum Products
Salt Lake City, Utah	Carson City, Nev.	.96½	Petroleum Products
Richmond, Cal.	Carson City, Nev.	.70	Petroleum Products

From	To	Rate	Commodity
Sugar Creek, Mo.	Carson City, Nev.	1.091½	Petroleum Products
Salt Lake City, Utah	Alturas, Cal.	1.201½	Petroleum Products
Richmond, Cal.	El Portal, Cal.	.631½	Petroleum Products
Richmond, Cal.	El Portal, Cal.	.421½	Engine (Naphtha) Distillate
El Segunda, Cal.	Palm City, Cal.	.22	Engine (Naphtha) Distillate
El Segunda, Cal.	Palm City, Cal.	.25	Petroleum Products
El Segunda, Cal.	Santee, Cal.	.281½	Petroleum Products
El Segunda, Cal.	Santee, Cal.	.24	Engine (Naphtha) Distillate
Richmond, Cal.	Martell, Cal	.251¼	Engine (Naphtha) Distillate
Richmond, Cal.	Martell, Cal.	.301½	Petroleum Products
Ardmore, Okla.	Clarkdale, Ariz.	1.151½	Gasoline
Ardmore, Okla.	Humboldt, Ariz.	1.081½	Gasoline
Wichita Falls, Tex.	Humboldt, Ariz.	1.081½	Gasoline
Fort Worth, Tex.	Clarkdale, Ariz.	1.151½	Gasoline

increased four and one-half cents for the through continuous movement. [3]

## VI.

That on June 25, 1918, the defendants made effective new tariffs, increasing certain class and commodity rates twenty-five per cent from and to the various points of origin and destination hereinabove set forth, pursuant to and in accordance with the Director-General's Order No. 28, effective June 25, 1918, which said advance, in so far as it affected petroleum and petroleum products was changed on July 11, 1918, under Freight Rate Authority No. 96, issued by the Director Division of Traffic, United States Railroad Administration, by authority of the Director-General to a specific increase of four and one-half cents per hundred pounds on rates in effect June 24, 1918 (some tariffs provided May 25, 1918), but not to exceed the fifth class rates as increased June 25, 1918, as more particularly appears from Exhibit 1 attached hereto.

## VII.

That in amending the tariffs of rates on petroleum and petroleum products to make effective the four and one-half cent advance above referred to, the carriers under federal control included in their tariffs a provision to the effect that when the charges on a continuous through movement are obtained by the combination of separately established rates, the increase of four and one-half cents per hundred pounds will apply as to the total of such combined rates in effect June 24, 1918 (some tariffs provided

May 25, 1918), fifth class rates as increased June 25, 1918, not to be exceeded, and to the effect that said increase of four and one-half cents per hundred pounds would not apply to each separately established rate, as more particularly appears from Exhibit 1 attached hereto.

### VIII.

That the shipments made by plaintiff as hereinabove referred to were made pursuant to and in reliance upon said tariffs and particularly in reliance upon the provision referred to in the foregoing paragraph. That the rates charged and assessed by said defendants [4] for transporting the shipments of plaintiff hereinabove set forth, were in excess of the lawful rates provided in said tariff, and more particularly in the provision in the foregoing paragraph referred to, in that the four and one-half cent advance was applied by the defendants upon each separate factor contained in the combination of factors making the rate for the continuous through movement for the particular shipment in question in some cases, and in other cases the four and one-half cent advance was applied on one factor and a twenty-five per cent advance was applied on the other factor contained in the combination of factors making the rate for the continuous through movement for the particular shipment in question, and said advances were not limited to a single four and one-half cent advance on the rate for the continuous through movement made from the combination of factors. That said charges were paid and borne by plaintiff herein.

## IX.

That by reason of the facts alleged in the foregoing paragraphs plaintiff was subjected to the payment of rates and charges for the transportation of the shipments hereinabove referred to, which said rates were, when exacted, in excess of the legally published rates and charges, in violation of Section 1 and Section 6 of the Act to Regulate Commerce, approved February 4, 1887, and acts amendatory thereof and supplementary thereto, and in violation of Section 10 of the Federal Control Act, and plaintiff was damaged thereby in the sum of \$6,659.33, together with interest thereon at the rate of six per cent (6%) per annum.

## X.

That heretofore and on or about the 1st day of March, 1921, plaintiff filed its complaint before the Interstate Commerce Commission and against the defendants hereinabove named, praying for reparation on account of such illegal charges, which complaint was docketed under I. C. C. No. 12,890; that a true and correct copy of said complaint is attached hereto and marked Exhibit 1, as hereinabove set forth; [5] that after a hearing duly had at which oral and documentary evidence was introduced, the said claims of plaintiff in the above-entitled matter were submitted to the commission on the 25th day of May, 1922, and thereafter on the 11th day of November, 1922, the commission rendered its decision and report in said matter, award-



ing reparation to plaintiff as prayed, a copy of which said report is hereto attached, marked Exhibit 2, and hereby made a part hereof as if fully set forth herein. That subsequent hereto, to wit, on or about the 10th day of December, 1923, the commission made its order awarding to plaintiff reparation in the respective amounts and against the respective defendants as set forth in said order, together with interest thereon, a copy of which said order is hereto attached, marked Exhibit 3 and hereby made a part hereof as if fully set forth herein. That the date of said order which the commission named as the day on or before which said payments were directed to be made, was January 25, 1924. That no part of said payments has ever been made and no part of said amounts has ever been paid.

## XI.

That one thousand dollars (\$1,000) is a reasonable attorney's fee for the prosecution of this action.

WHEREFORE, plaintiff prays judgment against the defendant, James C. Davis, Director-General of Railroads, as Agent, in the amount of \$590.47, together with interest thereon from the 1st day of November, 1919, at the rate of six per cent (6%) per annum; and against the defendant, James C. Davis, Director-General of Railroads, as Agent, and the defendant, Nevada Copper Belt Railroad Company, in the amount of \$79.34, together with interest thereon from the 15th day of May, 1919, at the rate

of six per cent (6%) per annum; and against the defendant, James C. Davis, Director-General of Railroads, as Agent, and the defendant San Diego and Arizona Railway Company, in the amount of \$2,149.59, together with interest thereon from the 15th day of January, 1919, at the rate of six per cent (6%) per annum; and against the [6] defendant, James C. Davis, Director-General of Railroads, as Agent, and the defendant, Nevada-California-Oregon Railway, in the amount of \$152.05, together with interest thereon from the 22d day of March, 1920, at the rate of six per cent (6%) per annum; and against the defendant, James C. Davis, Director-General of Railroads, as Agent, and the defendant, Pacific Electric Railway Company, and the defendant, Holton Inter-Urban Railway Company, in the amount of \$923.46, together with interest thereon from the 1st day of April, 1919, at the rate of six per cent (6%) per annum; and against the defendant, James C. Davis, Director-General of Railroads, as Agent, and the defendant, Holton Inter-Urban Railway Company, in the amount of \$420.11, together with interest thereon from the 15th day of November, 1919, at the rate of six per cent (6%) per annum; and against the defendant, James C. Davis, Director-General of Railroads, as Agent, and the defendant, Virginia & Truckee Railway, in the amount of \$447.90, together with interest thereon from the 15th day of January, 1919, at the rate of six per cent (6%) per annum; and against the defendant, James C. Davis, Director-General

of Railroads, as Agent, and the defendant, Yosemite Valley Railroad Company, in the amount of \$968.18, together with interest thereon from the 1st day of May, 1919, at the rate of six per cent (6%) per annum; and against the defendant, James C. Davis, Director-General of Railroads, as Agent, and the defendant, Amador Central Railroad Company, in the amount of \$928.23, together with interest thereon from the 1st day of July, 1919, at the rate of six per cent (6%) per annum; together with a reasonable attorney's fee of one thousand dollars (\$1,000), and to have and receive such other, further and additional relief as may be just and equitable in the premises.

PILLSBURY, MADISON & SUTRO,

Attorneys for Plaintiff. [7]

State of California,

City and County of San Francisco,—ss.

J. H. Tuttle, being first duly sworn, deposes and says: That he is an officer, to wit, secretary of Standard Oil Company (California) a corporation, plaintiff named in the foregoing petition; that he makes this affidavit for and on behalf of said corporation; that he has read the foregoing petition and knows the contents thereof, and that the same is true of his own knowledge except as to those matters therein stated on information or belief, and as to those matters, that he believes it to be true.

J. H. TUTTLE.



Subscribed and sworn to before me this 20th day of January, 1925.

[Seal] W. H. PYBURN,  
Notary Public in and for the City and County of  
San Francisco, State of California. [8]

EXHIBIT 1.

Before the Interstate Commerce Commission.

Docket 12,890.

STANDARD OIL COMPANY (CALIFORNIA),  
Complainant,

vs.

JOHN BARTON PAYNE, Director-General of  
Railroads as Agent, and AMADOR CEN-  
TRAL RAILROAD COMPANY, HOLTON  
INTER-URBAN RAILWAY COMPANY,  
NEVADA COPPER BELT RAILROAD  
COMPANY, NEVADA - CALIFORNIA -  
OREGON RAILWAY, PACIFIC ELEC-  
TRIC RAILWAY COMPANY, VIRGIN-  
IA & TRUCKEE RAILWAY, SAN DIEGO  
AND ARIZONA RAILWAY COMPANY,  
YOSEMITE VALLEY RAILROAD COM-  
PANY,

Defendants.

The complaint of the above named complainant respectfully shows:

First: That the Standard Oil Company is a corporation organized under the laws of the State of California and is engaged in the business of refin-

ing and marketing oils and other products of petroleum, with its principal offices located in the City of San Francisco, California.

Second. That defendant, JOHN BARTON PAYNE, Director General of Railroads, as Agent, is an officer of the United States, appointed by the President, pursuant to the provisions of Section 206 (a) of the Transportation Act, 1920, and as such Agent, is a representative of the Federal Government against whom should be brought actions at law and suits in equity, based on causes of action arising out of the possession, use, or operation by the President of the railroads or system of transportation of any carrier (under the provisions of the Federal Control Act, or of the Act of August 29, 1916) of such character as prior to Federal control could have been brought against such carriers; and that the railroads and systems of transportation [9] over whose lines or routes the rates, rules, or regulations complained of herein applies, and which during Federal control were operated by the Director General of Railroads, are as follows:

Atchison, Topeka & Santa Fe Railway.

Buffalo, Rochester and Pittsburgh Railway Company.

Chicago, Milwaukee and St. Paul Railway Company.

Chicago & North Western Railway Company.

Chicago, Rock Island & Pacific Railway Company.

Chicago, Rock Island & Gulf Railway.

El Paso & Northeastern Railroad Company.

El Paso & Southwestern Railroad Company.

El Paso & Southwestern Railroad Company of Texas.

Fort Worth and Denver City Railway Company.

Galveston, Harrisburg & San Antonio Railway Company.

Gulf, Colorado & Santa Fe Railway.

International & Great Northern Railway (James A. Baker, Receiver).

Missouri, Kansas & Texas Railway (C. E. Shaff, Receiver).

Oregon Short Line Railroad Company.

Oregon-Washington Railroad & Navigation Company.

Panhandle and Santa Fe Railway Company.

Southern Pacific Company.

Spokane, Portland & Seattle Railway Company.

The Belt Railway Company of Chicago.

The Kansas City Southern Railway.

The New York, Chicago & St. Louis Railroad Company.

The Texas and Pacific Railway (J. L. Lancaster and Charles L. Wallace, Receivers).

The Wichita Valley Railway Company.

Union Pacific Railroad Company.

Third: That the defendant carriers named on title page are common carriers engaged in the transportation of property, wholly by railroad, between points in the States of Missouri, Oklahoma, Texas, Utah, New York, Washington, Oregon, Nevada and California, and as such common carriers, are subject to the Act to Regulate Commerce, approved

February 4, 1887, and Acts amendatory thereof or supplemental thereto.

Fourth: That complainant in connection with the distribution of its petroleum products in the States of Nevada and California is engaged in the production of petroleum crude oil and the refining of petroleum and its products at various points in California, and in the purchase of gasoline and other petroleum products at various manufacturing and refining areas in the United States, commodities that are subsequently used or marketed in the states hereinbefore named.

Fifth. That during the period extending from August 1, 1918 to and including February 29, 1920, complainant purchased for use or marketing and commercial purposes, considerable quantities of [10] petroleum products and shipped or caused to be shipped in carload quantities from and to the following points generally characterized, and as described in Exhibit "A," attached hereto and made a part hereof, freight charges thereon paid and borne by complainant on basis in excess of the legal freight rates as shown below, which are the rates lawfully on file with the Interstate Commerce Commission as of June 24, 1918, increased four and one half cents for the through continuous movement:

From	To	Rate	Commodity.
Rochester, N. Y.	Colfax, Wash.	\$1.28	Petroleum Products
El Segunda, Cal.	Holtville, Cal.	.63½	Petroleum Products
El Segunda, Cal.	Holtville, Cal.	.51½	Engine (Naphtha) Distillate
Ardmore, Okla.	Holtville, Cal.	1.11½	Gasoline
Dallas, Tex.	Holtville, Cal.	1.11½	Gasoline
Harrys, Tex.	Holtville, Cal.	1.11½	Gasoline
Cushing, Okla.	Holtville, Cal.	1.11½	Gasoline
Ardmore, Okla.	Calexico, Cal.	1.01½	Petroleum Products
Rochester, N. Y.	Willbridge, Ore.	1.28	Petroleum Products
Salt Lake City, Utah	Yerington, Nev.	1.10½	Petroleum Products
Ardmore, Okla.	Yerington, Nev.	1.25½	Gasoline
Richmond, Cal.	Yerington, Nev.	.84	Petroleum Products
Salt Lake City, Utah	Carson City, Nev.	.96½	Petroleum Products
Richmond, Cal.	Carson City, Nev.	.70	Petroleum Products



From	To	Rate	Commodity.
Sugar Creek, Mo.	Carson City, Nev.	1.091 $\frac{1}{2}$	Petroleum Products
Salt Lake City, Utah	Alturas, Cal.	1.201 $\frac{1}{2}$	Petroleum Products
Richmond, Cal.	El Portal, Cal.	.631 $\frac{1}{2}$	Petroleum Products
Richmond, Cal.	El Portal, Cal.	.421 $\frac{1}{2}$	Engine (Naphtha) Distillate
El Segunda, Cal.	Palm City, Cal.	.22	Engine (Naphtha) Distillate
El Segunda, Cal.	Palm City, Cal.	.25	Petroleum Products
El Segunda, Cal.	Santee, Cal.	.281 $\frac{1}{2}$	Petroleum Products
El Segunda, Cal.	Santee, Cal.	.24	Engine (Naphtha) Distillate
Richmond, Cal.	Martell, Cal.	.251 $\frac{1}{4}$	Engine (Naphtha) Distillate
Richmond, Cal.	Martell, Cal.	.301 $\frac{1}{2}$	Petroleum Products
Ardmore, Okla.	Clarkdale, Ariz.	1.151 $\frac{1}{2}$	Gasoline
Ardmore, Okla.	Humboldt, Ariz.	1.081 $\frac{1}{2}$	Gasoline
Wichita Falls, Tex.	Humboldt, Ariz.	1.081 $\frac{1}{2}$	Gasoline
Fort Worth, Tex.	Clarkdale, Ariz.	1.151 $\frac{1}{2}$	Gasoline

Sixth. That on June 25, 1918, the defendants made effective new schedule materially increasing all class and commodity rates from and to the various points of origin and destination, pursuant to and in accordance with the Director General's Order No. 28, effective June 25, 1918, all of which advanced rates, insofar as they were applicable to petroleum and its products, were subsequently commuted to a specific horizontal advance of four and one-half cents over those rates in effect as of May 25, 1918 (fifth class rates as of June 25, 1918 not to [11] be exceeded), the latter basis ordered in under the Administration's Freight Rate Authority No. 96, issued July 11, 1918, the intent and effect of which authority as affecting lines under Federal Control was addressed to Federal controlled railroads and tariff issuing Agents contemplating and instructing the immediate revision, on one day's notice, of rates on petroleum and its products to basis of four and one-half cents per 100 pounds higher than the rates in effect on May 25, 1918, but not to exceed the fifth class rates contemporaneously maintained as provided in Western Classification.

Seventh. That, in the producing, refining and marketing area north of the Ohio River and west of the Mississippi River, wherein rates were affected by Freight Rate Authority No. 96, hereinbefore indicated all petroleum tariffs and schedules naming rates on petroleum and its products were duly amended and issued pursuant to and in accordance with the following general instructions from the Director, Division of Traffic, to all committees, un-

der date of July 11, 1918, and incident to Freight Rate Authority No. 96.

“Please issue instructions Tariff Issuing Agents to provide for new tariffs on Petroleum and Petroleum Products, carloads, classified fifth class in Official, Southern and Western Classification as follows:

“Rates as published on June 25th, per Order 28 shall be immediately amended to following basis.  $4\frac{1}{2}\text{¢}$  per 100 pounds higher than rates in effect on May 25th but not to exceed the present increased class rates, under headings as provided in Western, Southern, and Official Classifications.

“The advances of  $4\frac{1}{2}\text{¢}$  per 100 pounds to apply to continuous through haul by publication of through or proportional rates. To cover movement over midcontinent field to C. F. A. and Eastern Trunk Line territory established proportional rates to Chicago or Mississippi River of  $2\frac{1}{2}$  cents per 100 pounds and [12] proportional rates from Chicago or Mississippi River to Eastern destinations of  $2\text{¢}$  per 100 pounds higher than rate in effect on May 25th. This combination would produce the total advances of  $4\frac{1}{2}$  cents per 100 pounds on the through movement. Tariffs to be issued on one day's notice using Freight Rate Authority No. 96, and to carry legend shown in Circular 1-A.”

Eighth. That in amending the tariffs naming rates on petroleum and its products to make effective the specific horizontal advance of four and



one-half cents over the rates in effect May 25, 1918, as contemplated and directed by Freight Rate Authority No. 96, the carriers under Federal Control included in their tariffs a provision to the effect, that when the charges on a continuous through movement are obtained by combination of separately established rates, the increase of four and one-half cents per 100 pounds will apply as to the total of such combined rates in effect May 25, 1918. Fifth Class rates as increased June 25, 1918, not to be exceeded.

Ninth. That in incorporating in their tariffs a provision to the effect that when charges on a continuous through movement are obtained by combination of separately established rates, that the increase of four and one-half cents per one hundred pounds will apply as to the total of such combined rates, there is a holding out to the shipper of the rate so constructed, and that the carriers should make good that holding out.

That defendants have not made good that holding out, but have repeatedly assessed, demanded and collected charges by applying increases to each of the factors instead of to the aggregate of the factors used in constructing the rates.

Tenth. That by reason of the facts in the foregoing paragraphs, complainant has been subjected to the payment of rates and charges for transportation which were, when exacted, in excess of the legally published rates and charges and in violation of Section 6 of [13] the Act to Regulate Commerce, approved February 4, 1887, and Acts amendatory thereof and supplementary thereto, and

in violation of Section 10 of the Federal Control Act.

WHEREFORE, complainant prays that defendants may be required to answer the charges herein; that after due hearing and investigation an order be made commanding said defendants to pay to complainant by way of reparation of the unlawful charges hereinbefore alleged, such sum as, in view of the evidence to be adduced herein, the Commission shall determine that complainant is entitled to as an award of damages under the provisions of said Act for violation thereof, and such other and further orders be made as the Commission may consider proper in the premises.

STANDARD OIL COMPANY (CALIFORNIA).

By \_\_\_\_\_,

Traffic Manager,

Dated at San Francisco, California, February 21, 1921. [14]

Date of B/L	Car Initial and Number	From	To	Route
11-12-19	OCGX 5225	Ardmore, Okla.	Humboldt, Ariz.	GC&SF—AT&SF
11-25-19	UTL 7856	Wichita Falls, Tex.	"	WV—T&P—AT&SF
Date of B/L	Car Initial and Number	From	To	Route
11- 1-19	INTX 494	Ardmore, Okla.	Clarkdale, Ariz.	GC&SF—AT&SF
11-28-19	OCGX 5396	"	"	"
12-27-19	CKRX 134	"	"	"
Date of B/L	Car Initial and Number	From	To	Route
8- 2-18	UTL 5998	El Segundo, Cal.	Palm City, Cal.	AT&SF—SD&A Ry.
8-17-18	" 3473	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
8-17-18	UTL 6272	El Segundo, Cal.	Palm City, Cal.	AT&SF—SD&A Ry.
8-19-18	" 5672	"	"	"
8-28-18	" 2592	"	"	"
9- 6-18	" 5834	"	"	"
9- 6-18	" 5919	"	"	"
9-12-18	" 6216	"	"	"
9-13-18	" 5796	"	"	"
9-13-18	" 6338	"	"	"
9-19-18	" 2325	"	"	"
9-19-18	" 3473	"	"	"
9-19-18	" 5357	"	"	"
9-27-18	" 5626	"	"	"
9-27-18	" 6221	"	"	"
10- 2-18	" 31030	"	"	"
10- 2-18	" 3771	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
10-11-18	UTL 3314	El Segundo, Cal.	Palm City, Cal.	AT&SF—SD&A Ry.
10-11-18	" 2269	"	"	"
10-15-18	" 6244	"	"	"
10-17-18	" 2630	"	"	"
10-23-18	" 1817	"	"	"
10-23-18	" 5550	"	"	"
10-24-18	" 5672	"	"	"
10-30-18	" 6280	"	"	"
11- 2-18	" 5866	"	"	"
11- 5-18	" 5440	"	"	"
11- 7-18	" 4986	"	"	"
11-13-18	" 5029	"	"	"
11-22-18	" 5963	"	"	"
11-30-18	" 5495	"	"	"
11-30-18	" 5771	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
11-30-18	UTL 4986	El Segundo, Cal.	Palm City, Cal.	AT&SF—SD&A Ry.
12-14-18	" 4138	"	"	"
12-14-18	" 5931	"	"	"
12-24-18	" 4971	"	"	"
12-30-18	" 6168	"	"	"
[15]				
9-13-18	" 5357	"	"	"
8- 8-18	" 6244	"	"	"
8- 8-18	" 2696	"	"	"
1- 4-19	" 5765	"	"	"
1- 6-19	" 6060	"	"	"
1-11-19	" 3466	"	"	"
1-20-19	" 6172	"	"	"
1-23-19	" 6108	"	"	"
1-23-19	" 3197	"	"	"

Date of B/L	Car Initial and Number.	From	To	Route
2- 1-19	UTL 5114	El Segundo, Cal.	Palm City, Cal.	AT&SF—SD&A Ry.
2- 6-19	" 5440	"	"	"
2- 6-19	" 5849	"	"	"
2-10-19	" 2330	"	"	"
2-13-19	" 2988	"	"	"
2-25-19	" 2460	"	"	"
2-25-19	" 3572	"	"	"
3- 8-19	" 6140	"	"	"
3-14-19	" 5114	"	"	"
3-18-19	" 3314	"	"	"
3-21-19	" 3564	"	"	"
3-31-19	" 3466	"	"	"
4-18-19	" 3510	"	"	"
5- 2-19	" 5477	"	"	"
5-10-19	" 3444	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
5-13-19	UTL 2956	El Segundo, Cal.	Palm City, Cal.	AT&SF—SD&A Ry.
5-19-19	" 5855	"	"	"
5-19-19	" 3930	"	"	"
5-24-19	" 6044	"	"	"
5-31-19	" 5626	"	"	"
6-10-19	" 5479	"	"	"
6-24-19	" 6168	"	"	"
7- 5-19	" 5403	"	"	"
7-10-19	" 5962	"	"	"
7-14-19	" 4130	"	"	"
7-19-19	" 5765	"	"	"
7-25-19	" 5765	"	"	"
8- 6-19	" 6255	"	"	"
8- 6-19	" 6060	"	"	"



Date of B/L	Car Initial and Number	From	To	Route
8-11-19	UTL 5660	El Segundo, Cal.	Palm City, Cal.	AT&SF—SD&A Ry.
10-20-19	" 5550	"	"	"
10-20-19	" 5963	"	"	"
11- 4-19	" 6272	"	"	"
11-10-19	" 5769	"	"	"
12- 3-19	" 3613	"	"	"
12-13-19	" 5796	"	"	"
1- 3-20	" 5436	"	"	"
1-29-20	" 5866	"	"	"
1-31-20	" 5771	"	"	"
2-13-20	" 5492	"	"	"
2-18-20	" 5980	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
8-14-18	UTL 5403	El Segundo, Cal.	Holtville, Cal.	PE—SP—HI Ry.
8-26-18	" 6255	"	"	"
8-30-18	CNW 90036	"	"	"
9- 3-18	UTL 5381	"	"	"
9-19-18	" 5862	"	"	"
9-27-18	" 5796	"	"	"
9-30-18	" 5660	"	"	"
10- 1-18	MLT 30334	"	"	"
10-11-18	UTL 2343	"	"	"
11- 1-18	" 4821	"	"	"
11- 9-18	" 6280	"	"	"
11-12-18	" 5537	"	"	"
11-16-18	" 6255	"	"	"
11-25-18	" 3510	"	"	"
12-10-18	" 5963	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
12-20-18	UTL 3510	El Segundo, Cal.	Holtville, Cal.	PE—SP—HI Ry.
12-26-18	" 5818	"	"	"
1- 3-19	" 6012	"	"	"
1- 9-19	" 6255	"	"	"
1-10-19	" 3411	"	"	"
1-21-19	" 5550	"	"	"
1-30-19	" 5414	"	"	"
2-11-19	" 2405	"	"	"
2-13-19	" 1877	"	"	"
2-21-19	" 6250	"	"	"
2-24-19	" 2928	"	"	"
3- 1-19	" 6053	"	"	"
3- 7-19	" 5094	"	"	"
3-14-19	" 3572	"	"	"
3-20-19	" 5440	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
3-27-19	UTL 5543	El Segundo, Cal.	Holtville, Cal.	PE—SP—HI Ry.
4-10-19	" 2330	"	"	"
4-18-19	" 4130	"	"	"
5- 2-19	" 2028	"	"	"
5- 8-19	" 5960	"	"	"
5- 9-19	SP 36446	"	"	"
5-12-19	UTL 6044	"	"	"
5-24-19	" 5765	"	"	"
5-24-19	" 2893	"	"	"
6- 9-19	" 5862	"	"	"
6-17-19	" 5550	"	"	"
6-18-19	" 2716	"	"	"
6-28-19	" 6044	"	"	"
7- 5-19	" 5553	"	"	"
7-12-19	" 5403	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
7-26-19	UTL 5922	El Segundo, Cal.	Holtville, Cal.	PE—SP—HI Ry.
8-13-19	" 5980	"	"	"
8-21-19	" 5624	"	"	"
9- 4-19	" 5237	"	"	AT&SF—SP—HI Ry.
9- 6-19	" 5834	"	"	"
9-11-19	" 6314	"	"	"
9-19-19	" 6005	"	"	"
9-29-19	" 5550	"	"	"
9-29-19	" 5887	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
10- 1-19	UTL 2835	El Segundo, Cal.	Holtville, Cal.	AT&SF—SP—HI Ry.
10-10-19	" 5381	"	"	"
10-14-19	" 5960	"	"	"
10-27-19	" 6113	"	"	"
11- 4-19	" 5785	"	"	"
11- 7-19	" 5442	"	"	"
11-14-19	" 6113	"	"	"
11-18-19	" 6012	"	"	"
11-21-19	" 5818	"	"	"
11-21-19	" 5931	"	"	"
12- 1-19	" 5855	"	"	"
12- 8-19	" 3960	"	"	"
12- 9-19	" 5660	"	"	"
12-23-19	" 6028	"	"	"
12-26-19	" 2716	"	"	"



Date of B/L	Car Initial and Number	From	To	Route
12-29-19	UTL 5511	El Segundo, Cal.	Holtville, Cal.	AT&SF—SP—HI Ry.
1- 7-20	“ 6172	“	“	PE—SP—HI Ry.
1- 8-20	“ 5766	“	“	“
1- 9-20	“ 6297	“	“	“
1-26-20	“ 30712	“	“	“
2- 2-20	“ 2236	“	“	“
2-13-20	“ 5818	“	“	“
2-27-20	“ 5550	“	“	“
2-28-20	“ 15045	“	“	“
3-28-19	“ 2613	Richmond, Cal.	Yerington, Nev.	SPCo—NCB RR.
3-31-19	“ 15216	“	“	“
4-16-19	“ 2181	“	“	“
4-18-19	“ 3603	“	“	“
5-14-19	“ 5122	“	“	“
5-28-19	“ 15603	“	“	“

Date of B/L	Car Initial and Number	From	To	Route
6- 9-19	UTL 15717	Richmond, Cal.	Yerington, Nev.	SPCo—NCB RR.
6- 9-19	“ 13854	“	“	“ “
7- 8-19	“ 4960	“	“	“ “
7-11-19	“ 11456	“	“	“ “
8- 2-19	“ 2702	“	“	“ “
8-16-19	CMSTP 501883	“	“	“ “
8-21-19	UTL 15625	“	“	“ “
8-30-19	“ 10983	“	“	“ “
9-22-19	“ 11155	“	“	“ “
10- 2-19	“ 3429	“	“	“ “
10- 4-19	“ 14477	“	“	“ “
10-29-19	“ 2363	“	“	“ “
11-13-19	NW 60773	“	“	“ “
11-18-19	UTL 2674	“	“	“ “
12-30-19	SP 87160	“	“	“ “

Date of B/L	Car Initial and Number	From	To	Route
2-20-20	UTL 5767	Ardmore, Okla.	Holtville, Cal.	GOSF — AT&SF — CRI&P—CRI&G CRI&P—EP&SW — SP—Holtville Interurban Ry.
2-21-20	" 1846	"	"	
2-24-20	" 5520	"	"	

Date of B/L	Car Initial and Number	From	To	Route
1-22-20	UTL 31197	Salt Lake City,	Yerington, Nev.	O.S.L.—S.P.—N.C.B.
2- 6-20	" 2699	" " Utah	" "	" "
2- 9-20	" 5464	" "	" "	" "
2-25-20	" 5244	" "	" "	" "

Date of B/L	Car Initial and Number	From	To	Route
1-26-20	UTL 6046	Salt Lake City,	Alturas, Cal.	W.P. — Hackstaff—
2-24-20	" 6143	" " Utah	" "	" N.C.O.

Date of B/L	Car Initial and Number	From	To	Route
1-15-20	UTL 6143	Salt Lake City,	Carson City, Nev.	O.S.L.—S.P.—V.&T.
2-25-20	" 15686	" Utah	"	" " " "
Date of B/L	Car Initial and Number	From	To	Route
7-25-19	UTL 11784	Sugar Creek, Mo.	Carson City, Nev.	K.C.S.—UP—SP—V&T
7-25-19	" 21954	"	"	" " " "
8- 3-19	" 21300	"	"	" " " "
8-11-19	" 8162	"	"	" " " "
8-16-19	" 10420	"	"	" " " "
9- 3-19	" 6180	"	"	" " " "
9- 8-19	" 21532	"	"	" " " "
Date of B/L	Car Initial and Number	From	To	Route
8-23-18	CB&Q 114877	Rochester, N. Y.	Willbridge, Ore.	BR&P — NYC&STL —BRC — CM&STP

Date of B/L	Car Initial and Number	From	To	Route
8-29-18	GN	21134	"	UP — OSL — OWR &N — SP&S.
4- 9-19	UTL	17801	"	" " "
				BR&P — NYC&STL — C&NW — UP —
				OSL — OWR&N — SP&S.
4- 8-19	NYP&N	2417	Colfax, Wash.	BR&P — NYC&STL — C&NW — UP —
				OSL — OWR&N.
11-28-19	OCGX	5222	Yerington, Nev.	GC&SF — AT&SF — UP — SP — NOB Ry.
12- 4-19	"	320	Calexico, Calif.	GC&SF — T&P — SP

Date of B/L	Car Number and Initial	From	To	Route
8-12-18	UTL 1835	Richmond, Cal.	El Portal, Cal.	S.P.Co. — Y.V.R.R
8-16-18	" 8397	"	"	"
9- 3-18	" 11150	"	"	"
10-30-18	" 10160	"	"	"
5- 7-19	" 2407	"	"	"
6- 4-19	" 14349	"	"	"
6- 9-19	" 12714	"	"	"
6-14-19	" 2423	"	"	"
6-14-19	" 10859	"	"	"
6-16-19	" 15409	"	"	"
6-17-19	NYC 239946	"	"	"
6-17-19	UTL 10167	"	"	"
6-20-19	" 10601	"	"	"
6-24-19	" 11016	"	"	"
6-27-19	" 15498	"	"	"
6-30-19	" 2444	"	"	"



Date of B/L	Car Number and Initial	From	To	Route
7- 3-19	UTL	Richmond, Cal.	El Portal, Cal.	S.P.Co.—Y.V.R.R.
7-10-19	"	"	"	"
7-14-19	"	"	"	"
7-19-19	"	"	"	"
7-25-19	"	"	"	"
7-28-19	"	"	"	"
8- 2-19	EJE	"	"	"
8- 9-19	UTL	"	"	"
8-15-19	"	"	"	"
8-26-19	"	"	"	"
9-15-19	"	"	"	"
Date of B/L	Car Number and Initial	From	To	Route
8-14-18	SP	Richmond, Cal.	Carson City, Nev.	S.P.Co.—V.&T.R.R.
8-19-18	UTL	"	"	"

Date of B/L	Car Number and Initial	From	To	Route
8-30-18	UTL	Richmond, Cal.	Carson City, Nev.	S.P.Co — V.&T.R.R.
9-14-18	"	"	"	"
9-20-18	"	"	"	"
10-11-18	"	"	"	"
10-30-18	LV	"	"	"
10-31-18	UTL	"	"	"
11-29-18	"	"	"	"
11-30-18	"	"	"	"
12-23-18	"	"	"	"
1-25-19	"	"	"	"
3-13-19	"	"	"	"
4-10-19	LEW	"	"	"
4-10-19	UTL	"	"	"
4-17-19	"	"	"	"

Date of B/L	Car Number and Initial	From	To	Route
5-22-19	UTL 2674	Richmond, Cal.	Carson City, Nev.	S.P.Co.—V.&T.R.R.
6- 5-19	" 3290	"	"	"
6-27-19	" 10859	"	"	"
7- 3-19	" 15216	"	"	"
7-19-19	" 11130	"	"	"
7-22-19	" 8209	"	"	"
8-29-19	" 2335	"	"	"
9-16-19	NYC 196382	"	"	"
9-22-19	UTL 3837	"	"	"
10- 2-19	" 2358	"	"	"
10-16-19	" 3478	"	"	"
10-20-19	" 11245	"	"	"
11-13-19	CMSTP 206962	"	"	"

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Date of B/L	Car Initial and Number	From	To	Route
8-22-18	UTL 5408	El Segundo, Cal.	Santee, Cal.	A.T.&S.F. — S.D.&A.
8-27-18	" 1678	"	"	Ry.
8-27-18	" 6244	"	"	"
9- 6-18	" 6238	"	"	"
9-23-18	" 6021	"	"	"
10-31-18	" 5847	"	"	"
11-22-18	" 4986	"	"	"
11-22-18	" 5660	"	"	"
12-24-18	" 5980	"	"	"
10-25-18	" 6213	"	"	"
10-15-18	" 5960	"	"	"
1-11-19	" 5771	"	"	"
1-21-19	" 5810	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
1-31-19	UTL 6222	El Segundo, Cal.	Santee, Cal.	A.T.&S.F.—S.D.&A.
2-25-19	" 4960	"	"	Ry.
3-20-19	" 5395	"	"	"
3-28-19	" 5414	"	"	"
4-18-19	" 2992	"	"	"
5-10-19	" 5847	"	"	"
5-17-19	" 6060	"	"	"
6- 7-19	" 3123	"	"	"
6- 9-19	" 2434	"	"	"
6-27-19	" 6244	"	"	"
7- 8-19	" 5849	"	"	"
7-15-19	" 6060	"	"	"
7-25-19	" 5564	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
8-18-19	UTL 6238	El Segundo, Cal.	Santee, Cal.	A.T.&S.F.—S.D.&A.
8-21-19	" 6060	"	"	Ry.
10- 4-19	" 5765	"	"	"
10-20-19	" 5887	"	"	"
10-25-19	" 5926	"	"	"
11- 5-19	" 8347	"	"	"
12-30-19	" 5442	"	"	"
12-31-19	" 6113	"	"	"
1-22-20	" 5697	"	"	"
1-29-20	" 2096	"	"	"
2-13-20	" 31162	"	"	"
2-21-20	" 5553	"	"	"
4-28-19	" 1826	"	"	"



Date of B/L	Car Initial and Number	From	To	Route
8-12-18	UTL 10633	Richmond, Cal.	Martell, Cal.	S.P.Co. — A.C.R.R.
8-30-18	" 14223	"	"	"
9- 6-18	" 13870	"	"	"
9-13-18	" 8344	"	"	"
9-23-18	IC 23910	"	"	"
9-27-18	UTL 10633	"	"	"
9-30-18	" 16339	"	"	"
10- 5-18	" 14353	"	"	"
10-11-18	" 12831	"	"	"
10-26-18	" 15040	"	"	"
10-26-18	" 15477	"	"	"
10-30-18	SP 23160	"	"	"
11- 7-18	UTL 19037	"	"	"
11-25-18	" 18304	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
11-25-18	UTL 15643	Richmond, Cal.	Martell, Cal.	S.P.Co. — A.C.R.R.
11-29-18	" 10792	"	"	"
12-12-18	" 11448	"	"	"
12-28-18	MC 92561	"	"	"
12-28-18	UTL 16339	"	"	"
1- 3-19	" 8618	"	"	"
1-24-19	" 13240	"	"	"
2- 1-19	" 12558	"	"	"
2- 7-19	" 12582	"	"	"
2-21-19	" 15603	"	"	"
3- 8-19	" 15425	"	"	"
3-10-19	CSTPMO 31812	"	"	"
3-13-19	UTL 11614	"	"	"
3-28-19	" 14341	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
4- 4-19	UTL 15480	Richmond, Cal.	Martell, Cal.	S.P.Co. — A.C.R.R.
4-18-19	" 11016	"	"	"
4-18-19	" 15886	"	"	"
4-22-19	LV 81578	"	"	"
4-25-19	UTL 15318	"	"	"
5- 1-19	" 11448	"	"	"
5- 9-19	" 14332	"	"	"
5-16-19	" 15898	"	"	"
5-17-19	" 11148	"	"	"
5-23-19	" 10374	"	"	"
6- 3-19	" 11155	"	"	"
6- 6-19	" 15252	"	"	"
6- 9-19	" 10667	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
6-12-19	UTL	11155	Richmond, Cal.	Martell, Cal.
6-14-19	CNW	81336	"	"
6-20-19	UTL	15877	"	"
6-27-19	"	15464	"	"
7- 5-19	"	20674	"	"
7-11-19	"	11448	"	"
7-12-19	"	14955	"	"
7-12-19	"	10529	"	"
7-18-19	"	14343	"	"
7-18-19	"	11048	"	"
7-19-19	"	15847	"	"
7-26-19	"	15878	"	"
7-30-19	"	10167	"	"

Date of B/L	Car Initial and Number	From	To	Route
8- 2-19	ERIE 90140	Richmond, Cal.	"	S.P.Co. — A.C.R.R.
8- 9-19	UTL 15394	"	"	"
8-14-19	" 11245	"	"	"
8-20-19	" 14349	"	"	"
8-29-19	" 11148	"	"	"
9-15-19	LV 82571	"	"	"
9-17-19	UTL 15603	"	"	"
9-23-19	" 10682	"	"	"
9-23-19	" 11189	"	"	"
10- 6-19	" 15128	"	"	"
10-17-19	" 14841	"	"	"
10-21-19	" 15467	"	"	"

Date of B/L	Car Initial and Number	From	To	Route
10-29-19	UTL	Richmond, Cal.	Martell, Cal.	S.P.Co.—A.C.R.R.
10-30-19	"	"	"	"
11- 5-19	BM	"	"	"
11- 5-19	UTL	"	"	"
11-13-19	"	"	"	"
11-14-19	"	"	"	"
11-28-19	"	"	"	"
11-28-19	"	"	"	"
12- 3-19	"	"	"	"
12- 8-19	"	"	"	"
12- 9-19	SP	"	"	"
12-22-19	UTL	"	"	"



Date of B/L	Car Initial and Number	From	To	Route
12-26-19	" 15848	Richmond, Cal.	Martell, Cal.	S.P.Co.—A.C.R.R.
1- 3-20	" 15491	"	"	"
1- 6-20	" 10660	"	"	"
1-12-20	" 10721	"	"	"
1-21-20	" 8388	"	"	"
1-22-20	" 15898	"	"	"
2-10-20	" 15305	"	"	"
2-14-20	STL&SW 26154	"	"	"
2-19-20	UTL 8234	"	"	"
2-24-20	" 15040	"	"	"
2-27-20	" 8229	"	"	"

## EXHIBIT 2.

No. 12890.

STANDARD OIL COMPANY (CALIFORNIA)  
v. DIRECTOR GENERAL, AS AGENT,  
AMADOR CENTRAL RAILROAD COM-  
PANY, ET AL.

Submitted May 25, 1922.

Decided November 11, 1922.

Shipments of petroleum and petroleum products, in  
carloads, from and to points in various States,  
found overcharged. Reparation awarded.

W. O. BANKS and W. B. ROBERTS for Com-  
plainant.

FRED H. WOOD, JAMES A. BELL, CHARLES  
D. MAHAFFIE, SANBORN & ROEHL, C. W.  
DURBROW, ELMER WESTLAKE, FRANK  
B. AUSTIN, HAVEN, ATHEARN, CHAND-  
LER & FARMER, and T. M. WOODWARD  
for Defendants.

## REPORT OF THE COMMISSION.

Division 4, Commissioner Meyer, Daniels, and  
Potter.

By Division 4:

Exceptions were filed by defendants to the report  
proposed by the examiner, and the issues were  
orally argued before us.

Complainant, a corporation, by complaint filed  
February 26, 1921, alleges that the rates charged on

numerous carload shipments of petroleum and petroleum products from and to points in various States,<sup>1</sup> during the period August 1, 1918, to February 29, 1920, inclusive, were illegal, in violation of section 6 of the interstate commerce act and section 10 of the Federal control act. Reparation is sought. The issue is solely one of tariff interpretation.

The rates on petroleum and petroleum products throughout the country were increased 25 per cent, effective June 25, 1918, in accordance with General Order No. 28 of the Director General of Railroads. Freight rate authority No. 96, issued by the railroad administration on July 11, 1918, prescribed a flat increase of 4.5 cents per hundred pounds in the rates of lines under Federal control, in lieu of the 25 per cent advance. It further provided that the increase

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<sup>1</sup> The points of origin and destination are as follows:

From Ardmore, Okla., to Holtville, Calif.; Calexico, Calif.; Yerington, Nev.; Clarksdale, Ariz.; Humboldt, Ariz.

From El Segundo, Calif., to Holtville, Calif.; Palm City, Calif.; Santee, Calif.

From Richmond, Calif., to Yerington, Nev.; Carson City, Nev.; El Portal, Calif.; Martel, Calif.

From Salt Lake City, Utah, to Yerington, Nev.; Carson City, Nev.; Alturas, Calif.

From Rochester, N. Y., to Colfax, Wash., and Will-  
bridge, Oreg.

From Cushing, Okla., to Holtville, Calif.

From Sugar Creek, Mo., to Carson City, Nev.

From Dallas, Tex., to Holtville, Calif.

From Harrys, Tex., to Holtville, Calif.

From Wichita Falls, Tex., to Humboldt, Ariz.

From Fort Worth, Tex., to Clarksdale, Ariz. [24]

would apply but once where the charges on a continuous through movement were obtained by combination of separately established factors.

Some of the shipments moved entirely over lines which were under federal control, but the majority of them moved partly over such lines and partly over noncontrolled lines, hereinafter called short lines. There were no joint through rates in effect, and charges were assessed on basis of the combination rates in effect June 24, 1918, plus 4.5 cents as added to the separate factors applicable over the lines under Federal control and either 4.5 cents or 25 per cent added to the factors published by the short lines. In every instance a tariff naming some one of the factors applicable over a federally controlled line handling the shipment carried a rule in substance providing that the increase of 4.5 cents would be applied but once to combinations of rates on through movements. The tariffs of the short lines did not so provide, nor did they refer to tariffs in which the rule was published.

The rates assessed are assailed as illegal to the extent that they exceeded the through combinations in effect June 24, 1918, plus 4.5 cents. Complainant contends that the publication of the combination rule in one of the tariffs used in making the combination rates on the through shipments constituted a holding out to the shipper of rates so constructed which must be protected. The situation here, with respect to movements which were entirely over lines under Federal control is identical with that consid-

ered in *Sligo Iron Store Co. vs. W. M. Ry. Co.*, 62 I. C. C. 643. [25]

As to the shipments which moved partly over short lines, defendants contend that since the through rates were based on combinations of factors published separately by the lines under Federal control and by the short lines, neither tariff carrying reference to the other, each factor of the combination was subject to the increase; that the director general had no control over the action of the short lines, which alone were responsible for the publication of their tariffs; and, on the other hand, that the short lines should not be bound by a rule published in the tariffs of the lines under Federal control in which they did not concur.

The short lines neither published nor concurred in the combination rule and therefore were not subject to its provisions. But the rule as published by the lines under Federal control was not limited in application to movements over such lines, and the director general must protect the basis of rates so offered to the public. The principle involved in this situation cannot be distinguished from that announced in the *Sligo* case. In fact the precise question was decided in *Madison Lumber & Mill Co. vs. Director General*, 64 I. C. C. 699.

We find, following the cases cited, that the applicable rates on the shipments were those in effect June 24, 1918, plus 4.5 cents per 100 pounds; that the shipments were overcharged; that complainant made the shipments as described and bore the freight charges thereon; that it has been damaged thereby



in the amount of the difference between the charges paid and those which would have accrued at the rates herein found applicable; and that it is entitled to reparation from the director general, as agent, with interest. Rule V of the Rules of Practice should be complied with.

By the commission, division 4.

(Seal)

GEORGE B. MCGINTY,  
Secretary. [26]

### EXHIBIT 3.

#### ORDER.

At a General Session of the Interstate Commerce Commission, Held at its Office in Washington, D. C., on the 10th day of December, A. D., 1923.

No. 12,890.

STANDARD OIL COMPANY (CALIFORNIA)  
vs.

DIRECTOR GENERAL, AS AGENT, AND  
AMADOR CENTRAL RAILROAD COM-  
PANY, et al.

IT APPEARING, That on November 11, 1922, the commission entered its report in the above-entitled proceeding, which is hereby referred to and made a part hereof, and this proceeding now coming on for further consideration on the question of reparation, and the parties having filed agreed statements with respect to the shipments in question, we find the complainant is entitled to awards of reparation from defendants named in the following table in the amounts set opposite their respective names, with interest:

Defendants.	Amounts	With interest from
JAMES C. DAVIS, Director General of Railroads, as Agent .....	\$590.47	November 1, 1919.
JAMES C. DAVIS, Director General of Railroads, as Agent, and Nevada Copper Belt Railroad Company .....	79.34	May 15, 1919.
JAMES C. DAVIS, Director General of Railroads, as Agent, and San Diego and Arizona Railway Company .....	2,149.59	January 15, 1919.
JAMES C. DAVIS, Director General of Railroads, as Agent, and Nevada-California-Oregon Rail- way .....	152.05	March 22, 1920.
JAMES C. DAVIS, Director General of Railroads, as Agent; Pacific Electric Railway Company; and Holton Interurban Railway Company .....	923.46	April 1, 1919.



Defendants	Amounts	With interest from
JAMES C. DAVIS, Director General of Railroads, as Agent, and Holton Interurban Railway Com- pany .....	\$420.11	November 15, 1919.
JAMES C. DAVIS, Director General of Railroads, as Agent, and Virginia & Truckee Railway .....	447.90	January 15, 1919.
JAMES C. DAVIS, Director General of Railroads, as Agent, and Yosemite Valley Railroad Com- pany .....	968.18	May 1, 1919.
JAMES C. DAVIS, Director General of Railroads, as Agent, and Amador Central Railroad Com- pany .....	928.23	July 1, 1919.

IT IS THEREFORE ORDERED, That the defendants named in the above table, be, and there are hereby, authorized and directed to pay unto complainant, Standard Oil Company (California) on or before January 25, 1924, the amounts set opposite their respective names in said table with interest thereon at the rate of 6 per cent per annum from the dates therein set forth, as reparation on account of overcharges collected on numerous carload shipments of petroleum and petroleum products from and to points in various states.

Permission is hereby given to any other carriers which may have participated in the transportation herein involved to join in payment of the reparation above awarded on shipments which moved via their lines.

By the Commission:

(Seal)                      GEORGE B. McGINTY,  
Secretary.

[Endorsed]: Filed Jan. 20, 1925. [27]

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[Title of Court and Cause.]

### DEMURRER TO COMPLAINT.

Now comes James C. Davis (Director-General of Railroads, as Agent, and demurs to the complaint or petition on file in the above-entitled case, and for grounds of demurrer thereto specifies as follows, to wit:

#### I.

That it appears from the face of said complaint or

petition that plaintiff's supposed cause of action against defendants and each of them is barred by the provisions of Subdivision (a) of Section 206 of the Transportation Act, 1920.

## II.

That said complaint or petition does not state facts sufficient to constitute a cause of action. [28]

WHEREFORE, said defendant prays this demurrer be sustained and that he be hence dismissed with costs of suit.

ALEX M. BULL,  
F. W. MIELKE,  
JAMES E. LYONS,

Attorneys for Defendant James C. Davis (Director-General of Railroads) as Agent.

I hereby certify that I am one of the attorneys for the defendant James C. Davis (Director-General of Railroads) as Agent, in the above-entitled action and that I have read the foregoing demurrer and know the contents thereof and that in my opinion the same is well taken in point of law and is not filed for the purpose of delay.

JAMES E. LYONS.

Receipt of a copy of the within demurrer is admitted this 23d day of March, 1925.

PILLSBURY, MADISON & SUTRO,  
Attorneys for Plaintiff.

[Endorsed]: Filed Mar. 23, 1925. [29]

[Title of Court and Cause.]

(OPINION ON ORDER OVERRULING DEMURRER.)

June 23, 1925.

MESSRS. PILLSBURY, MADISON & SUTRO,  
San Francisco,  
Attorneys for Plaintiff.

JAMES E. LYONS, Esq., ALEX M. BULL, Esq.,  
and F. W. MIELKE, Esq.,  
Attorneys for Certain Defendants.

FRANK KARR, Esq., 670 Pacific Elec. Bldg., Los  
Angeles, California,  
Attorney for Pacific Electric Ry. Co., Deft.

H. K. LANDRAM, Esq.,  
Attorney for Defendant, Yosemite Valley  
Railroad Company.

PARTRIDGE.—Plaintiff herein has filed its petition to enforce an award of the Interstate Commerce Commission. The award was made on December 10, 1923, but it directed that the payment should be on or before January 25, 1924. The petition was filed January 20, 1925. This award included a number of connecting carriers, all of which were made parties to the petition in this court. However, on January 16, 1924, one of these roads, the Yosemite Valley Railroad Company, filed an application with the Commission, setting up error and inadvertence in including them in the order. This application

was [30] granted, and on the 18th of April, 1925, the commission made an order that the order of December 10, 1923, be "amended *nunc pro tunc*," by omitting therefrom these connecting carriers. The defendant in this case appeared and resisted that order, upon the ground that the commission had lost jurisdiction. Subsequently, and on May 6, 1925, the plaintiff filed an amendment to its petition, setting up this supplemental order, and dismissing as to all defendants except the Director-General. Demurrer to the petition is filed, setting up the statute of limitations. The position of defendant is, that petition to enforce an award of the Interstate Commerce Commission must be filed within one year after the date of the order; plaintiff, on the other hand, contends that the year does not commence to run until the time when the money is to be paid. It is said in the briefs that there is no decision directly upon the question, and I know of none.

The original statute of 1887 (24 St. at Large 384), provided that if the commission found that a shipper was entitled to reparation, it should direct repayment to be made "within a reasonable time to be fixed by the commission" (Section 15). Section 16 gave the shipper the right to apply to the Circuit Court to enforce the payment. The act contained no period of limitation, but the Supreme Court held in *Meeker vs. Lehigh Valley R. R. Co.*, 236 U. S. 412, that the suit must be filed within the time limited by the statutes of the State in which the court



was sitting. Under this statute, the commission usually specified the number of days within which the order should be obeyed. Later, however, it developed the practice of naming a time "on or before" which payment should be made. It is perhaps worthy of note, that this time was always spoken of by the commission and the bar as the "effective date" of the order; [31] and indeed this language has been adopted in the proceedings of all the public service and railroad commissions of the various states. However, the act has been amended to conform to the practice, and has added a period of limitation, so as to make the time of filing suit uniform in the various jurisdictions. Subdivision 1 of Section 16 now provides that the commission shall direct payment "on or before a day named." Subdivision 2 provides that if payment is not made "within the time limit in such order" the shipper may file suit. Subdivision 3, then limits the time "within one year from the date of the order."

The demurrer, then, is based upon the use of the word "of," instead of "in." The argument is that the date "of" the order is the date of its promulgation, and not the date specified for the payment.

It is, of course, fundamental in all the law pertaining to statute of limitations, that they are to be computed from the time when the party could have brought his suit. Indeed, even after the time has commenced to run, it may be suspended "tolled" by disability to sue. Clearly, under the Act here, the plaintiff could not have brought its suit until after

the "effective date" of the order. Moreover, it might readily happen that for one reason or other the commission would postpone the payment until a year after its order. It is thus seen that the construction contended for by plaintiff is more reasonable, and at the same time in consonance with settled principles relating to statutes of limitations.

But, it cannot be said that "the date of the order," under a strict construction, necessarily means the date of its promulgation. The language is equally susceptible of the meaning [32] "date fixed by the order." That this is the reasonable and time honored interpretation is made clear by the language of the Supreme Court in *Mutual Life Insurance Co. vs. Hurni Packing Co.*, 263 U. S. 167, where it is said:

"The word 'date' is used frequently to designate the actual time when an event takes place, but, as applied to written instruments, its primary signification is the time specified therein. Indeed this is the meaning which its derivation (*datus*—given) most naturally suggests. In *Bement & Daugherty vs. Trenton Locomotive etc. Co.*, 32 N. J. L. 513, 515-516, it is said: 'The primary signification of the word date, is not time in the abstract, nor time taken absolutely, but as its derivation plainly indicates, time given or specified, time in some way ascertained and fixed; this is the sense in which the word is commonly used. \* \* \* ' "

It was the avowed intention of Congress to make the law uniform, and thus avoid the difficulties



arising from the decision in *Meeker vs. Lehigh Valley R. R. Co.* (*supra*). But it would not be in form if the time might be greater or less, according to the effective date fixed in the order.

Let the demurrer be overruled.

PARTRIDGE, D. J.

[Endorsed]: Filed June 23, 1925. [33]

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At a stated term of the Southern Division of the United States District Court for the Northern District of California, held in the courtroom thereof, in the city and county of San Francisco, on Tuesday, the 23d day of June, in the year of our Lord one thousand nine hundred and twenty-six. Present: The Honorable JOHN S. PARTRIDGE, District Judge.

[Title of Cause.]

MINUTES OF COURT—JUNE 23, 1926—  
ORDER OVERRULING DEMURRER.

The demurrer to the petition herein, heretofore heard and submitted, being fully considered, and the Court having filed its written opinion thereon, it is in accordance with said opinion, ordered that said demurrer be and the same is hereby overruled. [34]

[Title of Court and Cause.]

MOTION TO DISMISS.

Now comes the defendant, James C. Davis (Director-General of Railroads) as Agent, and on the records, pleadings and files in the above-entitled case, hereby moves the Court to dismiss the complaint herein upon the ground that it appears on the face of said complaint that plaintiff's supposed cause of action is barred by the provisions of Subdivision (a) of Section 206 of the Transportation Act, 1920.

WHEREFORE, said defendant prays the judgment of this Honorable Court whether he shall be compelled to make further or any answer to said complaint; and he humbly prays to be hence dismissed with costs in this behalf sustained.

ALEX M. BULL,  
F. W. MIELKE,  
JAMES E. LYONS,

Attorneys for Defendant James C. Davis. [35]

I hereby certify that I am one of the attorneys for the defendant James C. Davis (Director-General of Railroads) as Agent, in the above-entitled action and that I have read the foregoing motion to dismiss and know the contents thereof and that in my opinion the same is well taken in point of law and is not filed for the purpose of delay.

JAMES E. LYONS.

Receipt of a copy of the within motion is admitted this — day of March, 1925.

PILLSBURY, MADISON & SUTRO,  
Attorneys for Plaintiff.

[Endorsed]: Filed Mar. 23, 1925. [36]

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[Title of Court and Cause.]

AMENDMENT AND SUPPLEMENT TO  
PETITION.

Comes now plaintiff above named, and leave of the Court being first had and obtained, files this its amendment and supplement to the original petition heretofore filed herein on the 20th day of January, 1925, and avers that it is informed and believes and upon such information and belief alleges:

I.

That on the 16th day of January, 1924, one of the defendants herein named, to wit, Yosemite Valley Railroad Company, applied to the Interstate Commerce Commission, mentioned in the original petition herein, for an order amending the order of the commission referred to in the original petition herein by striking [37] therefrom the names of said Yosemite Valley Railroad Company, and also of Amador Central Railroad Company, Holton Inter-Urban Railway Company, Nevada Copper Belt Railroad Company, Nevada-California-Oregon Railway, Pacific Electric Railway Company, Virginia & Truckee Railway and San Diego and

Arizona Railway Company and all reference or direction to said carriers with like effect as if said names and all such reference and direction had not been contained in said order when originally entered. Said application was made by said Yosemite Valley Railroad Company upon the ground that the action of the commission in imposing liability upon said carriers was erroneous, and that said commission should extinguish said liability by amending said order.

## II.

That under date of February 12, 1924, the Chief Examiner of said Interstate Commerce Commission advised this plaintiff, the said Director-General, and all said carriers, that an amended order would be issued in conformity with said application of said Yosemite Valley Railroad Company.

## III.

That thereupon and on or about the 10th day of March, 1925, the said Director-General filed a protest with said Interstate Commerce Commission against the making of any order by it for the purpose of extinguishing the liability of said Yosemite Valley Railroad Company and the other carriers hereinabove mentioned upon the ground that said liability, as well as the liability imposed by said order on the Director-General, was already extinguished by reason of the fact that this plaintiff had not filed any petition for the enforcement of said order on or before December 10, 1924, and said Director-General claimed [38] that, by reason of

said fact, said order was no longer enforceable and could not be amended.

IV.

That thereupon said Interstate Commerce Commission was duly informed that the petition herein had been filed in this court on the 20th day of January, 1925, and therefore within one year from the date named in the order mentioned in the original petition as the day on or before which payment should be made, and it was claimed that therefore the liability of said Yosemite Valley Railroad Company and the other carriers in the said order had not become extinguished but was still in full force and effect.

V.

That thereupon and on or about the 18th day of April, 1925, said commission, being duly advised in the premises, considered that said liability of said Yosemite Valley Railroad Company and other carriers had not become extinguished but had been kept in full force and effect because plaintiff had filed its petition in this court on the 20th day of January, 1925, as aforesaid, and therefore within one year from the date of said order, and thereupon said commission amended said order and extinguished said liability of said Yosemite Valley Railroad Company and said other carriers by striking from said order the names of, and all reference and direction to, said carriers with like force as if said names and all reference and direction to said carriers had not been contained in the order when originally entered. That a copy of said



amended order is hereto attached, marked Exhibit "A" and hereby referred to and made a part hereof.

That because of said amendment to said order and for no other reason plaintiff hereby dismisses this action as to the [39] defendants, Yosemite Valley Railroad Company, Amador Central Railroad Company, Holton Inter-Urban Railway Company, Nevada Copper Belt Railroad Company, Nevada-California-Oregon Railway, Pacific Electric Railway Company, Virginia & Truckee Railway and San Diego and Arizona Railway Company.

WHEREFORE, plaintiff prays judgment against the defendant, James C. Davis, Director-General of Railroads, as Agent, in the amount of \$590.47, together with interest thereon from the 1st day of November, 1919, at the rate of six per cent (6%) per annum; and in the amount of \$79.34, together with interest thereon from the 15th day of May, 1919, at the rate of six per cent (6%) per annum; and in the amount of \$2,149.59, together with interest thereon from the 15th day of January, 1919, at the rate of six per cent (6%) per annum; and in the amount of \$152.05, together with interest thereon from the 22d day of March, 1920, at the rate of six per cent (6%) per annum; and in the amount of \$923.46, together with interest thereon from the 1st day of April, 1919, at the rate of six per cent (6%) per annum; and in the amount of \$420.11, together with interest thereon from the 15th day of November, 1919, at the rate of six per cent (6%) per annum; and in the amount of \$447.90, together with interest thereon from the 15th day of January, 1919,

at the rate of six per cent (6%) per annum; and in the amount of \$968.18, together with interest thereon from the 1st day of May, 1919, at the rate of six per cent (6%) per annum; and in the amount of \$928.23, together with interest thereon from the 1st day of July, 1919, at the rate of six per cent (6%) per annum; together with a reasonable attorneys' fee of one thousand dollars (\$1,000), and to have and receive such other, further and additional relief as may be just and equitable in the premises.

PILLSBURY, MADISON & SUTRO,  
Attorneys for Plaintiff. [40]

State of California,  
City and County of San Francisco,—ss.

J. H. Tuttle, being first duly sworn, deposes and says: That he is an officer, to wit, Secretary of Standard Oil Company (California), a corporation, plaintiff, named in the foregoing petition; that he makes this affidavit for and on behalf of said corporation; that he has read the foregoing petition and knows the contents thereof, and that the same is true of his own knowledge except as to those matters therein stated on information or belief, and as to those matters, that he believes it to be true.

J. H. TUTTLE.

Subscribed and sworn to before me this 5th day of May, 1925.

[Seal] FRANK S. OWEN,  
Notary Public, in and for the City and County of  
San Francisco, State of California. [41]



## EXHIBIT "A."

## ORDER.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 18th day of April, A. D. 1925.

No. 12890.

STANDARD OIL COMPANY (CALIFORNIA)

vs.

DIRECTOR GENERAL, AS AGENT, AND  
AMADOR CENTRAL RAILROAD COM-  
PANY, ET AL.

IT APPEARING, That on December 10, 1923, the Commission entered its order in the above-entitled proceeding, and this proceeding coming on for further consideration, and it appearing that through inadvertence the names of the following carriers, viz.:

Amador Central Railroad Company,  
Holton Interurban Railway Company,  
Nevada Copper Belt Railroad Company,  
Nevada-California-Oregon Railway,  
Pacific Electric Railway Company,  
Virginia & Truckee Railway,  
San Diego and Arizona Railway Company,  
Yosemite Valley Railroad Company,  
were included in the order and direction thereby made, and good cause appearing therefor:

IT IS ORDERED, That the said order entered

herein on December 10, 1923, be and it is hereby, amended *nunc pro tunc* by striking therefrom the names of and all reference or direction to said carriers with like effect as if said names and all reference and direction to said carriers had not been contained in said order when originally entered.

By the Commission:

(Seal)                      GEORGE B. McGINTY,  
Secretary.

Receipt of a copy of the within amendment to petition is hereby admitted this 6th day of May, 1925.

ALEX M. BULL et al.,  
Attorneys for Deft.

[Endorsed]: Filed May 6, 1925. [42]

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[Title of Court and Cause.]

STIPULATION AND ORDER THAT DEMURRER TO COMPLAINT SHALL STAND AS DEMURRER TO AMENDED COMPLAINT.

IT IS HEREBY STIPULATED that the demurrer of defendant James C. Davis to the original petition or complaint on file herein and the motion of said defendant to dismiss said original complaint or petition shall stand as a demurrer and motion to dismiss the said original petition or complaint as amended and supplemented by the amendment and supplement to said original petition on file herein,

with like effect as if said demurrer and motion specifically named said petition as amended and supplemented.

Dated: San Francisco, California, May 12, 1925.

PILLSBURY, MADISON & SUTRO,

Attorneys for Plaintiff.

ALEX M. BULL,

F. W. MIELKE,

JAMES E. LYONS,

Attorneys for Defendant James C. Davis (Director-General of Railroads), as Agent.

It is so ordered.

PARTRIDGE,

U. S. District Judge.

[Endorsed]: Filed May 14, 1925. [43]

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At a stated term of the Southern Division of the United States District Court for the Northern District of California, held at the courtroom thereof, in the city and county of San Francisco, on Wednesday, the 26th day of August, in the year of our Lord one thousand nine hundred and twenty-five. Present: The Honorable A. F. ST. SURE, District Judge.

[Title of Cause.]

MINUTES OF COURT—AUGUST 26, 1925—  
ORDER DENYING MOTION TO DISMISS.

\* \* \* Mr. Bull made a motion to dismiss on behalf of defendant, and after argument it was

ordered that said motion be and the same is hereby denied. \* \* \* [44]

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[Title of Court and Cause.]

### FIRST AMENDED ANSWER.

Now comes James C. Davis (Director-General of Railroads) as agent of the President against whom actions at law, suits in equity and proceedings in admiralty based on causes of action arising out of the possession, use or operation by the President of the railroad or system of transportation of any carrier under Federal Control (under the provisions of the Federal Control Act or Act of August 29, 1916) of such character as prior to Federal Control could have been brought against such carrier, leave of Court being first had and obtained, and hereby amends his answer to the petition or complaint herein as amended and supplemented, and for a first answer and defense thereto admits, denies and alleges as follows, to wit:

### FIRST DEFENSE.

#### I.

Alleges that said petition or complaint as amended and supplemented is barred by the provisions of Subdivision (a) of Section 206 of the Transportation Act, 1920. [45]

Further answering said complaint and by way of second and separate defense thereto, said defendant alleges:

## SECOND DEFENSE.

## I.

Admits the allegations of Paragraphs I, II, III, IV, VI and X of the original petition and Paragraph III of the amendment and supplement to said petition. Said defendant denies generally and specifically the allegations of Paragraph V of said petition. Said defendant further denies generally and specifically the allegations of Paragraphs I and II of said amendment and supplement to petition and alleges the fact to be that on February 20, 1925, the Yosemite Valley Railroad Company telegraphed the Interstate Commerce Commission, requesting that the order of the said commission referred to in the original petition herein, be amended by striking therefrom the names of the corporate defendants, and that on February 21st, and not otherwise, the said commission replied that it was contemplating the issuance of an amended order, and that under date of February 24th, 1925, the Chief Examiner of said commission advised plaintiff herein that the previous order was in error and that an amended order would be issued at the earliest practical date.

## II.

Said defendant admits the allegations of Paragraph VII of said petition except that he denies that in amending the rates on petroleum and petroleum products to make effective the 4½ cent advance referred to in said petition the carriers under Federal [46] Control included in all through tariffs a pro-



vision to the effect that when the charges on a continuous through movement are obtained by the combination of separately established rates, the increase of four and *on*-half cents per 100 pounds will apply as to the total of such combined rates in effect June 24, 1918, or otherwise, fifth class rates as increased June 25, 1918, not to be exceeded and/or to the effect that said increase of 4½ cents per 100 pounds would not apply to each separately established rate as set forth in Exhibit One attached to said petition or otherwise and in this connection defendant alleges that all of the tariffs of the carriers under federal control covering rates on petroleum and petroleum products in effect on the dates of and applicable to the shipments referred to in Paragraph IV of said petition did not contain the provision above mentioned.

### III.

For lack of information or belief sufficient to enable him to answer, said defendant denies the allegations of Paragraphs IV and V of said amendment and supplement to said petition, except that he admits the issuance by the Interstate Commerce Commission on or about April 18, 1925, of the order mentioned in Paragraph V, a copy of which is annexed to said supplement marked Exhibit "A."

### IV.

Answering Paragraph VIII of said complaint, said defendant denies that the rates or any rate charged and assessed by this defendant for transporting the shipments or any of them, of plaintiff

referred to in said petition were or was in excess of the lawful rates provided in the applicable tariffs or any [47] of them. Admits that the 41½ cent advance was applied under the provisions of said tariffs upon each separate factor in some cases, and in other cases the 41½ cents was applied on one factor and a twenty-five per cent advance was applied on the other factor making the gross rate, and that said advances were not limited to a single 41½ cent advance on the gross rate for a continuous through movement on combination of factors.

#### V.

Answering Paragraph IX of said petition, said defendant denies that by reason of the facts stated in said petition or complaint as amended and supplemented or any facts, plaintiff was subjected to the payment of rates and charges, or any rate, or any charge, for the transportation of the shipments or any of them referred to in said petition which were or was when exacted in excess of the legally published rates and/or charges, or in excess of any legally published rate and/or charge, or in violation of Section 1 and/or Section 6 of the Act to Regulate Commerce, and/or acts amendatory thereof, and/or supplemental thereto, and/or in violation of Section 10 of the Federal Control Act, or otherwise unlawful.

Said defendant denies that plaintiff was damaged thereby or otherwise in the sum of \$6,659.33, together with interest thereon at the rate of six per cent per annum or otherwise or in any other sum or amount whatsoever.



VI.

Answering Paragraph XI of said petition, said defendant denies that \$1,000.00 or any other sum or amount, is a reasonable attorney's fee for the prosecution of this action and in this respect alleges that this defendant in his capacity as representative [48] of the United States of America, is not liable for any attorneys' fees, interests or costs.

VII.

Further answering Paragraph X of said petition, said defendant avers that the order of the Interstate Commerce Commission entered on the 10th day of December, 1923, in said commission's docket No. 12,890, *Standard Oil Company vs. Director-General et al.*, and upon which recovery is predicated in this action, is erroneous and void for the following reasons, to wit:

(1) Because the findings, and the order of the commission for the payment of reparation in said Docket No. 12,890 of said commission, are not supported by any substantial evidence and are contrary to the evidence.

(2) Because the commission erred as a matter of law in finding that the rates charged were inapplicable because there was no cross-reference between the various tariffs covering the shipments in question and because all of the tariffs covering the movement of said shipments do not contain the rule referred to in Paragraph VII of said petition.

(3) Because the commission erred as a matter of law in finding and concluding that there was a

holding out to the plaintiff of rates constructed by the use of said rule applied but once to the combination of rates on through movements which the Director-General of Railroads was obliged to protect.

(4) Because the commission erred as a matter of law in finding and deciding that there could be any holding out of a rate other than that duly and regularly published in the tariffs legally applicable at the time the respective shipments were made; and,

(5) Because the commission erred as a matter of [49] law in making an allowance of interest against the Director-General of Railroads and/or this defendant in his representative capacity as agent of the President.

WHEREFORE, said defendant prays that said petition be dismissed and that he have judgment for his costs.

ALEX KOPLIN,  
ALEX M. BULL,  
Washington, D. C.,  
F. W. MIELKE,  
JAMES E. LYONS,

Attorneys for Defendant James C. Davis, as Agent  
of the President as Above Indicated, 65 Market  
St., San Francisco, Cal.

State of California,  
City and County of San Francisco,—ss.

James E. Lyons being first duly sworn, deposes and says: That he is one of the attorneys for the defendant James C. Davis in the above-entitled ac-

tion; that he makes this verification for and on behalf of said defendant for the reason that defendant is not within the city and county of San Francisco, State of California, wherein affiant has and maintains his office and place of business; that affiant has read the foregoing first amended answer and knows the contents thereof and that the same is true except as to such matters as are therein stated upon information or belief and as to such matters that he believes it to be true.

JAMES E. LYONS.

Subscribed and sworn to before me this 20th day of August, 1925.

[Seal] FRANK HARVEY,  
Notary Public in and for the City and County of  
San Francisco, State of California.

[Endorsed]: Filed Aug. 26, 1925. [50]

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[Title of Court and Cause.]

### STIPULATION WAIVING JURY.

It is hereby stipulated by the respective parties above named that a jury for the trial of the above-entitled case be waived.

Dated: San Francisco, August 14th, 1925.

PILLSBURY, MADISON & SUTRO,

Attorneys for Plaintiff.

ALEX M. BULL,

ALEX KOPLIN,

J. E. LYONS,

Attorneys for Defendant.

[Endorsed]: Filed Aug. 17, 1925. [51]

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[Title of Court and Cause.]

STIPULATION AND ORDER SUBSTITUTING  
DEFENDANTS.

James C. Davis (Director-General of Railroads) as Agent of the President designated under Subdivision (a) of Section 206 of the Transportation Act, 1920, having resigned from such office, effective December 31, 1925, and Andrew W. Mellon having been appointed Director-General of Railroads and Agent designated by the President under the provisions of Subdivision (a) of Section 206 of the Transportation Act, 1920, effective January 1, 1926:

IT IS HEREBY STIPULATED that Andrew W. Mellon (Director-General of Railroads) as such Agent may be substituted herein in the place and stead of said James C. Davis, and that said James C. Davis may be dismissed. All motions and pleadings heretofore filed and exceptions made on behalf of said defendant Davis shall be deemed to have been filed or made on behalf of his successor, Andrew W. Mellon.

Dated: San Francisco, California, January 19th,  
1926.

PILLSBURY, MADISON & SUTRO,

Attorneys for Plaintiff.

ALEX M. BULL,

Hurley-Wright Bldg., Washington, D. C., [52]

F. W. MIELKE,

JAMES E. LYONS,

65 Market St., San Francisco, California,

Attorneys for Andrew W. Mellon (Director-General  
of Railroads), as Agent Designated by the  
President Under the Provisions of Subdivision  
(a) of Section 206 of the Transportation Act,  
1920, Successor to James D. Davis.

It is so ordered.

ST. SURE,

United States District Judge.

[Endorsed]: Filed Jan. 22, 1926. [53]

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[Title of Court and Cause.]

OPINION ON ORDERING JUDGMENT FOR  
PLAINTIFF.

This is an action to enforce an order of the Inter-  
state Commerce Commission, made December 10,  
1923, in *Standard Oil Company (California) vs.*  
*Director-General as Agent et al.*, on the report of  
the commission of November 11, 1922 (74 I. C. C.  
188), directing reparation payment of \$6,659.33 with  
interest as specified on or before January 25, 1924.



An attorney's fee of \$1,000 for prosecution of this action is also asked, no payment under the order of the commission having been made.

The award originally ran against a number of connecting carriers not under federal control, as well as the defendant Director-General as Agent, but was later amended by supplemental order eliminating them. The petition in this action, filed January 20, 1925, included these carriers as defendants, but the supplemental order of the commission, filed thereafter *nunc pro tunc*, was made the basis of an amendment and supplement to plaintiff's petition filed May 6, 1925, setting up the [54] supplemental order of the commission and dismissing the action as to all but the Director-General as Agent, and directing the entire reparation, with interest, to be paid by him.

A demurrer to the petition setting up the statute of limitations was overruled by Judge Partridge on June 23d, 1925. His opinion seems to me conclusive of the point, and disposes of the first defense of the amended answer.

At the trial the entire record before the commission was introduced in evidence. The matter was then argued and submitted on briefs. The facts are not in dispute, the issue being entirely one of tariff interpretation. The report of the commission, on which the reparation order was made, shows that the same points were there raised and fully considered. I feel that I can make no better statement of the facts and issues than by incorporating such report

and the footnote appended thereto, at this point. It is as follows:

“REPORT OF THE COMMISSION.”

Division 4, Commissioners Meyers, Daniels and Potter.

By Division 4:

Exceptions were filed by defendants to the report proposed by the examiner, and the issues were orally argued before us.

Complainant, a corporation, by complaint filed February 26, 1921, alleges that the rates charged on numerous carload shipments of petroleum and petroleum products from and to points in various states<sup>1</sup>, during the period August 1, 1918, to February 29, 1920, inclusive, were illegal, in violation of section 6 of the interstate commerce act and

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<sup>1</sup>The points of origin and destination are as follows:

From Ardmore, Okla., to Holtville, Calif.; Calexico, Calif.; Yerington, Nev.; Charksdale, Ariz.; Humboldt, Ariz.

From El Segunda, Calif., to Holtville, Calif.; Palm City, Calif.; Santee, Calif.

From Richmond, Calif., to Yerington, Nev.; Carson City, Nev.; El Portal, Calif.; Martell, Calif.

From Salt Lake City, Utah, to Yerington, Nev.; Carson City, Nev.; Alturas, Calif.

From Rochester, N. Y., to Colfox, Wash., and Willbridge, Oreg.

From Cushing, Okla., to Holtville, Calif.

From Sugar Creek, Mo., to Carson City, Nev.

From Dallas, Tex., to Holtville, Calif.

From Harrys, Tex., to Holtville, Calif.

From Wichita Falls, Tex., to Humboldt, Ariz.

From Fort Worth, Tex., to Clarksdale, Ariz.”



section 10 of the Federal control act. Reparation is [55] sought. The issue is solely one of tariff interpretation.

The rates on petroleum and petroleum products throughout the country were increased 25 per cent, effective June 25, 1918, in accordance with General Order No. 28 of the Director-General of Railroads. Freight rate authority No. 96, issued by the railroad administration on July 11, 1918, prescribed a flat increase of 4.5 cents per hundred pounds in the rates of lines under Federal control, in lieu of the 25 per cent advance. It further provided that the increase would apply but once where the charges on a continuous through movement were obtained by combination of separately established factors.

Some of the shipments moved entirely over lines which were under Federal control, but the majority of them moved partly over such lines and partly over noncontrolled lines, hereinafter called short lines. There were no joint through rates in effect, and charges were assessed on basis of the combination rates in effect June 24, 1918, plus 4.5 cents as added to the separate factors applicable over the lines under Federal control and either 4.5 cents or 25 per cent added to the factors published by the short lines. In every instance a tariff naming some one of the factors applicable over a federally controlled line handling the shipment carried a rule in substance providing that the increase of 4.5 cents would be applied but once to combinations of rates on through movements. The tariffs of the short lines did not so provide, nor did they refer to tariffs in which the rule was published.

The rates assessed are assailed as illegal to the extent that they exceeded the through combinations in effect June 24, 1918, plus 4.5 cents. Complainant contends that the publication of the combination rule in one of the tariffs used in making the combination rates on the through shipments constituted a holding out to the shipper of rates so [56] constructed which must be protected. The situation here, with respect to movements which were entirely over lines under Federal control is identical with that considered in *Sligo Iron Store Co. vs. W. N. Ry. Co.*, 62 I. C. C. 643.

As to the shipments which moved partly over short lines, defendants contend that since the through rates were based on combinations of factors published separately by the lines under Federal control and of the short lines, neither tariff carrying reference to the other, each factor of the combination was subject to the increase; that the Director-General had no control over the action of the short lines, which alone were responsible for the publication of their tariffs; and, on the other hand, that the short lines should not be bound by a rule published in the tariffs of the lines under federal control in which they did not concur.

The short lines neither published nor concurred in the combination rule and therefore were not subject to its provisions. But the rule as published by the lines under federal control was not limited in application to movements over such lines, and the Director-General must protect the basis of rates so offered to the public. The principle involved in

this situation cannot be distinguished from that announced in the Sligo case. In fact the precise question was decided in *Madison Lumber & Mill Co. vs. Director General*, 64 I. C. C. 699.

We find, following the cases cited, that the applicable rates on the shipments were those in effect June 24, 1918, plus 4.5 cents per hundred pounds; that the shipments were overcharged; that complainant made the shipments as described and bore the freight charges thereon; that it has been damaged thereby in the amount of the difference between the charges paid and those which would have accrued at the rates herein found applicable; and that it is entitled to reparation from the Director General [57] as agent, with interest. . . .”

I agree with plaintiff that the findings of the commission, learned and long experienced in the determination of the matters presented here, are entitled to great weight. It is alleged, and not denied by defendant, that the rule determinative of the case has been already passed on and remains unattacked, in many cases, in accord with plaintiff's contention here, that is, that the increase of 4.5 cents per hundred pounds should be added but once to the aggregate of the factors making up a combination rate on a through shipment, rather than to each separate factor. On this, plaintiff contends that under the peculiar facts of the case, [58] the exigencies of the situation in war emergency, with attendant informalities and express or constructive waiver of otherwise rigid rules, together with publication of

the so-called combination rule in some of the tariff schedules involved in each through movement, following on freight rate authority 96, made the matter of tariff determination as respects this and similar cases, one of fact and properly determined by the commission, or at best, one of mixed law and fact, with all possible weight to be given the decision of the commission. Defendant's contention is that tariff construction is purely a matter of law, citing *Great Northern Railway Company, et al. vs. Merchants Elevator Company*, 259 U. S. 285; and that the commission erred in its finding that the "combination rule" publication in one tariff bound the publisher to a tariff constructed on the basis of but one increase in the through rate, there being no "actual publication" of such a rate so increased, even by the line publishing it, and the "actually published" tariff being the only legal one. The lines not federally controlled did not publish nor concur in the combination rule, as the commission found, and for these reasons were held by the commission not to be bound by any construction under its terms. I am inclined to agree with plaintiff that the situation here was not that of ordinary usage, and that the method of applying the increase though termed by defendant a construction of tariff, was more a matter of fact for administration than of law. That there was lack of notice of release of factor lines from federal control, careful study by shippers to determine how the increase should be applied, with the determination, concurred in by



the western representative of the Director-General himself in answer to shippers' inquiries, and undisturbed for about a year, that the increase should be applied but once to the [59] aggregate factors; together with waiver of customary notices and other informalities under the stress of prevailing conditions; is shown by the record before the commission and exhibits introduced. If necessary to support the validity of the construction claimed by plaintiff under the combination rule, I hold that the publication of the rule, following freight rate authority 96, was in itself a sufficient publication to support the single increase, and under the attendant circumstances constituted a sufficient incorporation by reference to the tariffs of the connecting carriers to charge the line under federal control publishing such combination rule, with the tariff constructed as contended for by plaintiff as the legally published tariff, though not set out in actual figures. The case of *Great Northern Railway Company vs. Merchants Elevator Company*, 259 U. S. 285, stating the law of tariff construction, and cited by defendant to support the proposition that such construction is a matter of law, does not seem to me to require a different view of this case.

If the rates constructed as contended for by the plaintiff were the "legally published rates," then the finding of the commission that the shipments were "overcharged" because of exactions and payments in excess thereof, was correct according to defendant's own definition of the term.

The remaining point is as to the propriety of allowance of attorneys' fees and costs. It has been decided that interest and costs are proper. (*Missouri Pacific Railroad Co. vs. Ault*, 256 U. S. 554.) On construction of state statutes allowing attorneys' fees as costs, such costs have been sustained, and against the Director-General of Railroads, and it has also been held that the Director-General is in the position, in the state, of a private carrier in the suits authorized against him, as to [60] costs, interest and attorneys' fees, except where the award is made as a penalty. The allowance of a reasonable attorney fee is authorized as costs by the sections of the Interstate Commerce Act, 8 and 16, cited by defendant. Section 206 of the Transportation Act (41 Stat. 461; amended 42 Stat. 393) under which this action is authorized, merely provides for the general manner of proceeding and the party defendant. There is no negation of any rights which might have been had against the Director-General while federal control existed. By reference the costs authorized by the sections of the Interstate Commerce Act referred to are incorporated in the Transportation Act, and I think costs, interest and attorney fee as a cost, are properly allowable. I believe, however, that \$500 instead of the \$1,000 asked for is a reasonable attorney fee for the prosecution of this action.

It is therefore ordered that plaintiff have judgment as prayed against Andrew W. Mellon (Director-General of Railroads) as Agent, substituted for James C. Davis (Director-General of Railroads)

as Agent, as follows: \$590.47 with interest from November 1, 1919, at 6% per annum; \$79.34 with interest from May 15, 1919, at 6% per annum; \$2,149.59 with interest from January 15, 1919, at 6% per annum; \$152.05 with interest from March 22, 1920, at 6% per annum; \$923.46 with interest from April 1, 1919, at 6% per annum; \$420.11 with interest from November 15, 1919, at 6% per annum; \$447.90 with interest from January 15, 1919, at 6% per annum; \$968.18 with interest from May 1, 1919 at 6% per annum; \$928.23 with interest from July 1, 1919, at 6% per annum; together with an attorney's fee of \$500 to be taxed as costs, and together with costs to be taxed.

Dated: August 2, 1926.

A. F. ST. SURE,  
District Judge.

[Endorsed]: Filed Aug. 2, 1926. [61]



In the Southern Division of the District Court of  
the United States, for the Northern District of  
California, Second Division.

No. 17,264.

STANDARD OIL COMPANY (CALIFORNIA),  
a Corporation,

Plaintiff,

vs.

ANDREW W. MELLON (Director-General of  
Railroads) as Agent, Substituted for  
JAMES C. DAVIS (Director-General of  
Railroads) as Agent et al.,

Defendants.

### DECISION.

This cause came on regularly for trial on the 27th day of August, 1926, before the Court sitting without a jury, a jury having been waived by written stipulation filed by the parties in the above-entitled action; Marshall P. Madison, representing Messrs. Pillsbury, Madison & Sutro, appearing for the plaintiff, and J. E. Lyons and Alex M. Bull appearing for the defendant James C. Davis (Director-General of Railroads) as Agent, for whom the defendant Andrew W. Mellon (Director-General of Railroads) as Agent has been substituted. Evidence both oral and documentary was introduced, and thereupon the cause was submitted to the Court for its decision, and now the Court being fully advised in the premises, and after having

fully considered said evidence, makes the following findings of fact and conclusions of law, to wit:

### FINDINGS OF FACT.

#### I.

That the rates on file with the Interstate Commerce Commission, as of June 24, 1918, from and to the following points, [62] were as follows:

From	To	Rate	Commodity
Rochester, N. Y.	Colfax, Wash.	\$1.28	Petroleum Products.
El Segundo, Cal.	Holtville, Cal.	.63½	Petroleum Products.
El Segundo, Cal.	Holtville, Cal.	.51½	Engine (Naphtha) Distillate.
Ardmore, Okla.	Holtville, Cal.	1.11½	Gasoline.
Dallas, Tex.	Holtville, Cal.	1.11½	Gasoline.
Harrys, Tex.	Holtville, Cal.	1.11½	Gasoline.
Cushing, Okla.	Holtville, Cal.	1.11½	Gasoline.
Ardmore, Okla.	Calexico, Cal.	1.01½	Petroleum Products.
Rochester, N. Y.	Willbridge, Ore.	1.28	Petroleum Products.
Salt Lake City, Utah	Yerington, Nev.	1.10½	Petroleum Products.
Ardmore, Okla.	Yerington, Nev.	1.25½	Gasoline.
Richmond, Cal.	Yerington, Nev.	.84	Petroleum Products.
Salt Lake City, Utah	Carson City, Nev.	.96½	Petroleum Products.
Richmond, Cal.	Carson City, Nev.	.70	Petroleum Products.

From	To	Rate	Commodity
Sugar Creek, Mo.	Carson City, Nev.	1.091½	Petroleum Products.
Salt Lake City, Utah	Alturas, Cal.	1.201½	Petroleum Products.
Richmond, Cal.	El Portal, Cal.	.631½	Petroleum Products.
Richmond, Cal.	El Portal, Cal.	.421½	Engine (Naphtha) Distillate.
El Segundo, Cal.	Palm City, Cal.	.22	Engine (Naphtha) Distillate.
El Segundo, Cal.	Palm City, Cal.	.25	Petroleum Products.
El Segundo, Cal.	Santee, Cal.	.281½	Petroleum Products.
El Segundo, Cal.	Santee, Cal.	.24	Engine (Naphtha) Distillate.
Richmond, Cal.	Martell, Cal.	.251½	Engine (Naphtha) Distillate.
Richmond, Cal.	Martell, Cal.	.301½	Petroleum Products.
Ardmore, Okla.	Clarkdale, Ariz.	1.151½	Gasoline.
Ardmore, Okla.	Humboldt, Ariz.	1.081½	Gasoline.
Wichita Falls, Tex.	Humboldt, Ariz.	1.081½	Gasoline.
Fort Worth, Tex.	Clarkdale, Ariz.	1.151½	Gasoline.

increased four and one-half cents for the through continuous movement.

## II.

That in amending the tariffs of rates on petroleum and petroleum products as set forth in plaintiff's petition to make effective the four and one-half cent advance referred to in Paragraphs V and VI of said petition, the carriers under federal control included in their tariffs a provision to the effect that when the charges on a continuous through movement are obtained by the combination of separately established rates, the increase of four and one-half cents per hundred pounds will apply as to the total of such combined rates in effect June 24, 1918 (some tariffs provided May 25, 1918), fifth class rates as increased June 25, 1918, not to be exceeded, and to the effect that said increase of [63] four and one-half cents per hundred pounds would not apply to each separately established rate.

## III.

That the shipments made by plaintiff referred to in said petition were made pursuant to and in reliance upon the tariffs referred to in paragraphs V to VII, inclusive, in said petition, and particularly in reliance upon the provision referred to in the foregoing finding. That the rates charged and assessed by the defendant James C. Davis (Director-General of Railroads) as Agent, for whom the defendant Andrew W. Mellon (Director-General of Railroads) as Agent, has been substituted, for transporting the shipments of plaintiff hereinabove set



forth, were in excess of the lawful rates provided in said tariff, and more particularly of the provision in the foregoing finding referred to, in that the four and one-half cent advance was applied by the defendant James C. Davis (Director-General of Railroads) as Agent, for whom the defendant Andrew W. Mellon (Director-General of Railroads) as Agent, has been substituted, upon each separate factor contained in the combination of factors making the rate for the continuous through movement for the particular shipment in question in some cases, and in other cases the four and one-half cent advance was applied on one factor and a twenty-five per cent advance was applied on the other factor contained in the combination of factors making the rate for the continuous movement for the particular shipment in question, and said advances were not limited to a single four and one-half cent advance on the rate for the continuous through movement made from the combination of factors. That said charges were paid and borne by plaintiff herein.

#### IV.

That by reason of the facts contained in the foregoing finding, plaintiff was subjected to the payment of rates and charges for the transportation of the shipments referred to in [64] said petition, which said rates were, when exacted, in excess of the legally published rates and charges, in violation of Section 1 and Section 6 of the Act to Regulate Commerce, approved February 4, 1887, and acts amendatory thereof and supplementary

thereto, and in violation of Section 10 of the Federal Control Act, and plaintiff was damaged thereby in the sum of \$6,659.33, together with interest thereon at the rate of six per cent (6%) per annum.

V.

That five hundred dollars (\$500) is a reasonable attorney's fee for the prosecution of this action.

VI.

That on the 16th day of January, 1924, the Yosemite Valley Railroad Company, one of the defendants named in the original order of the Interstate Commerce Commission hereinabove referred to, and subsequent to the making of such order, wrote a letter to the Interstate Commerce Commission, in the form and figures following, to wit:

“YOSEMITE VALLEY RAILROAD COM-  
PANY

Operating and

Traffic Department

File  
248

Merced, Calif., Jan. 16, 1924.

Mr. George B. McGinty, Secretary,  
Interstate Commerce Commission,  
Washington, D. C.

Dear Sir:

Please refer to order No. 12890, Standard Oil Company (California) v. Director General, as Agent, and Amador Central Railroad Co. et al.

In reading the decision in this case, it is my understanding that the Yosemite Valley Railroad



Company is not required to pay any amount of the overcharge which exists on shipments which moved over this line, and that the entire amount mentioned in the order, namely, \$968.18, is to be paid by the Director General. Please advise if my understanding in this matter is correct.

Very truly yours,

W. L. WHITE." [65]

### VII.

That under date of February 12, 1924, the chief examiner of said Interstate Commerce Commission wrote a letter to said Yosemite Valley Railroad Company in the form and figures following, to wit:

“JJW-MEE

Feb. 12, 1924.

Mr. W. L. White,

General Manager,

Yosemite Valley Railroad Co.,

Merced, Calif.

Dear Sir:

Kindly refer to your letter of January 16, file 248, having reference to the Commission's reparation order issued in docket No. 12890.

On page 190 of the report there appears the following language:

‘We find \* \* \* that complainant made the shipments as described and bore the freight charges thereon; that it has been damaged thereby in the amount of the difference between the charges paid and those which would have accrued at the rates herein found ap-

plicable and that it is entitled to reparation from the Director General as Agent with interest.'

It would appear from the above quoted language that the Director General should pay the entire amount of the reparation order.

Very truly yours,

ULYSSES S. BUTLER,  
Chief Examiner."

#### VIII.

That subsequent thereto and on or about the 20th day of February, 1925, said Yosemite Valley Railroad Company sent a telegram to the said chief examiner of said Interstate Commerce Commission, advising him that said order was erroneous to the extent that it included the short-line carriers involved therein, and calling attention to the fact that suit had been entered; and thereafter, and in response thereto, and under date of February 24, 1925, the chief examiner of the Interstate Commerce Commission sent a letter to plaintiff above named in the form and figures following, to wit: [66]

“JJW-IFH

## INTERSTATE COMMERCE COMMISSION

Office of Chief Examiner

Washington

February 24, 1925.

Mr. S. G. Casade, Traffic Manager,  
Standard Oil Company (California),  
Standard Oil Building,  
San Francisco, Calif.

Dear Sir:

The Commission is in receipt of a telegram from Mr. W. L. White, Manager, Yosemite Valley Railroad Company, advising that the Commission's order in docket No. 12890, Standard Oil Company of California v. Director General, as Agent, Amador Central Railroad Company, et al. is in error to the extent it includes the short line carriers involved therein.

An examination of the record and the Commission's opinion discloses that the reparation order in question should have been directed against the Director General solely. This is to advise you that an amended order will be issued in this case in conformity with the opinion at the earliest practicable date.

Very truly yours,

ULYSSES BUTLER,

Chief Examiner.

Copies to:

Mr. John F. Finerty, Assistant General Counsel United States Railroad Administra- tion, Washington, D. C.	Mr. T. J. Day, General Freight Agent, Pacific Electric Rail- way, 670 Pacific Elec- tric Bldg., Los Angeles, Calif.
Mr. W. L. White, Gen'l Mgr., Yosemite Valley Rail- road Company, Merced, Calif.	Mr. P. H. Cook, Traffic Manager, Nevada Copper Belt Ry. Co., Mason, Nev.
Mr. F. E. Murphy, Vice Pres., Virginia & Truckee Railway Co., Carson City, Nev.	Messrs. Sanborn & Roehl, Nevada - California - Ore- gon Ry., San Francisco, Calif.
Mr. F. O. Dolson, Vice Pres., Holton In- terurban Railway, Riverside, Calif."	Mr. D. W. Pontius, Gen'l Mgr., San Diego & Arizona R. Co., San Diego, Calif.

From the foregoing facts the Court finds the following conclusions of law: [67]

CONCLUSIONS OF LAW.

Plaintiff is entitled to judgment against the defendant Andrew W. Mellon (Director-General of Railroads) as Agent, substituted for James C. Davis (Director-General of Railroads) as Agent, as follows: \$590.47 with interest from November 1, 1919, at 6% per annum; \$79.34 with interest from May

15, 1919, at 6% per annum; \$2149.59 with interest from January 15, 1919, at 6% per annum; \$152.05 with interest from March 22, 1920, at 6% per annum; \$923.46 with interest from April 1, 1919, at 6% per annum; \$420.11 with interest from November 15, 1919, at 6% per annum; \$447.90 with interest from January 15, 1919, at 6% per annum; \$968.18 with interest from May 1, 1919, at 6% per annum; \$928.23 with interest from July 1, 1919, at 6% per annum; together with an attorney's fee of \$500 to be taxed as costs, and together with costs to be taxed.

Dated: San Francisco, California, October 11th, 1926.

ST. SURE,  
District Judge.

Receipt of a copy of the within decision is hereby admitted this 11th day of October, 1926.

A. M. BULL,  
J. E. LYONS,  
Attorneys for Deft. Mellon.

[Endorsed]: Filed Oct. 11, 1926. [68]



In the District Court of the United States in and for the Northern District of California, Second Division.

No. 17,264.

STANDARD OIL COMPANY (CALIFORNIA),  
a Corporation,

Plaintiff,

vs.

ANDREW W. MELLON (Director-General of  
Railroads) as Agent, Substituted for JAMES  
C. DAVIS (Director-General of Railroads)  
as Agent,

Defendant.

### JUDGMENT ON FINDINGS.

This cause having come on regularly for trial upon the 26th day of August, 1925, before the Court sitting without a jury; a trial by jury having been specially waived by written stipulation filed; Marshall P. Madison, Esq., appearing as attorney for plaintiff; and James E. Lyons, Esq., and Alex M. Bull, Esq., appearing as attorneys for defendant; and the trial having been proceeded with on the 27th day of August, 1925, and oral and documentary evidence on behalf of the respective parties having been introduced and closed and the cause having been submitted to the Court for consideration and decision, and the Court, after due deliberation, having rendered its decision and filed its findings and



ordered that judgment be entered in accordance with said findings:

Now, therefore, by virtue of the law and by reason of the findings aforesaid, it is considered by the Court that Standard Oil Company (California), a corporation, plaintiff, do have and recover of and from Andrew W. Mellon (Director-General of Railroads) as Agent, substituted for James C. Davis (Director-General of Railroads) as Agent, defendant, as follows: \$590.47 with interest from November 1, 1919, at 6% per annum; \$79.34 with interest from May 15, 1919, at 6% per annum; \$2,149.59 with interest from January 15, 1919, at 6% per annum; \$152.05 with interest from March 22, 1920, at 6% per annum; \$923.46 with interest from April 1, 1919, at 6% per annum; \$420.11 with interest from November 15, 1919, at 6% per annum; \$447.90 with interest from January 15, 1919, at 6% per annum; \$968.18 with interest from May 1, 1919 at 6% per annum; \$928.23 with interest from July 1, 1919, at 6% per annum; together with attorney's fee of \$500.00 to be taxed as costs, and together with its costs herein expended, taxed at \$28.60.

Judgment entered October 11th, 1926.

WALTER B. MALING,

Clerk. [69]

[Title of Court and Cause.]

STIPULATION RELATIVE TO MATTERS TO  
BE INCLUDED IN AND OMITTED FROM  
BILL OF EXCEPTIONS.

WHEREAS, Defendant's Exhibit "B" before the Court included a copy of the complaint before the Interstate Commerce Commission, all the answers of the corporate defendants and that of the Director-General of Railroads; that inasmuch as a copy of said complaint is annexed to the petition filed in the United States District Court, reference to which is hereby made for further particulars, it is hereby stipulated and agreed that a copy of said complaint before the Interstate Commerce Commission and of the answers of the individual defendants who were dismissed may be omitted from the copy of said Exhibit "B" to be included in the bill of exceptions.

AND WHEREAS, said Exhibit "B" before the Court also included Complainant's Exhibits Nos. 1 to 17 inclusive before the Interstate Commerce Commission, which were all statements showing rates and tariff authority relied on by complainant for the rates claimed applicable on complainant's shipments; and whereas, Defendant's Exhibits "E" and "F" before the Court are photostatic copies covering typical instances of the rates involved from which the [70] contentions of the parties can be shown and it being conceded by defendant Mellon that (except for his claim of defective or nonservice

of process as to shipments moving over federal controlled lines other than Southern Pacific Company) if the Court holds that the order of the commission is valid, the plaintiff will be entitled to recover the full amount of the commission's order and will recover nothing if the order is held to be invalid, it is therefore, agreed that Complainant's Exhibits Nos. 1 to 17 inclusive, before the Interstate Commerce Commission may be omitted from the bill of exceptions as immaterial.

IT IS HEREBY STIPULATED that said Defendant's Exhibit "C" before the Court consisted of the complainant's Rule V statement and Defendant's Exhibit "D" consisted of an analysis of said Rule V statement; that said Exhibits "C" and "D" are exceedingly voluminous and need not be included in the bill of exceptions or printed in the transcript.

IT IS FURTHER STIPULATED that all of the original exhibits on file in the United States District Court may be transmitted by the Clerk thereof to the Appellate Court, and that either party may refer to any original exhibit which is omitted from the bill of exceptions, with like effect as if the same were included in the bill of exceptions and printed in the transcript.

Dated: San Francisco, California, November 1, 1926.

PILLSBURY, MADISON & SUTRO,  
ALEX. M. BULL,  
JAMES E. LYONS,  
Attorneys for Plaintiff.

Attorneys for Defendant, Andrew W. Mellon (Director-General of Railroads) as Agent.

[Endorsed]: Filed Nov. 3, 1926. [71]

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[Title of Court and Cause.]

#### BILL OF EXCEPTIONS.

BE IT REMEMBERED that the above-entitled case came on regularly for trial before the Honorable A. F. St. Sure, Judge of the above-entitled court, sitting without a jury, a jury having been duly waived in writing, on August 26, 1925, at the hour of ten o'clock A. M., and was proceeded with on August 27th, 1925, and the following proceedings were had:

Counsel for plaintiff offered and there was received in evidence Plaintiff's Exhibit No. 2, in words and figures as follows:

#### PLAINTIFF'S EXHIBIT No. 2.

#### GENERAL ORDER No. 28.

Washington, D. C., May 25, 1918.

Whereas it has been found and is hereby certified to the Interstate Commerce Commission that in order to defray the expenses of Federal control and



operation fairly chargeable to railway operating expenses, and also to pay railway tax accruals other than war taxes, net rents for joint facilities and equipment, and compensation to the carriers, operating as a unit, it is necessary to [72] increase the railway operating revenues, and

Whereas the public interest requires that a general advance in all freight rates, passenger fares, and baggage charges on all traffic carried by all railroad and steamship lines taken under Federal control under an act of Congress approved August 29, 1916, entitled "An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes," shall be made by initiating the necessary rates, fares, charges, classifications, regulations, and practices by filing the same with the Interstate Commerce Commission under authority of an act of Congress approved March 21, 1918, entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes."

Now, therefore, under and by virtue of the provisions of the said act of March 21, 1918, it is ordered that all existing freight rates, passenger fares, and baggage charges, including changes heretofore published but not yet effective, on all traffic carried by all said railroad and steamship lines under Federal control, whether the same be carried entirely by railroad, entirely by water, or partly by railroad and partly by water, except traffic carried entirely

by water to and from foreign countries, be increased or modified, effective June 25, 1918, as to freight rates and effective June 10, 1918, as to passenger fares and baggage charges, to the extent and in the manner indicated and set forth in the "Exhibit" hereto attached and made part hereof, by filing schedules with the Interstate Commerce Commission effective on not less than one day's notice.

Given under my hand this the 25th day of May, 1918.

W. G. McADOO,  
Director General of Railroads. [73]

### FREIGHT RATES.

#### Section 1.—Class Rates (Domestic).

(a) All interstate class rates shall be increased twenty-five (25) per cent.

(b) All intrastate class rates shall be increased twenty-five (25) per cent where there are no interstate class rates published between the same points, and shall be governed by the classification, viz.: Official classification, southern classification, or western classification, exceptions thereto and minimum weights which generally govern the interstate rates in the same territory, except that the Illinois classification will be used between points in the State of Illinois.

(c) All intrastate class rates shall be canceled where there are interstate class rates published between the same points and the interstate rates as increased by paragraph (a) shall apply.



(d) After such increase of twenty-five (25) per cent no rate shall be applied on any traffic moving under class rates lower than the amounts in cents per 100 pounds for the respective classes as shown below for the several classifications.

\* \* \* \* \*

#### Section 2.—Commodity Rates (Domestic).

(a) Interstate commodity rates on the following articles in carload shall be increased by the amounts set opposite each: (Does not include petroleum and petroleum products).

\* \* \* \* \*

(v) Interstate Commodity rates not included in the foregoing list shall be increased twenty-five (25) per cent.

\* \* \* \* \*

### GENERAL.

#### Section 20.

Where the Interstate Commerce Commission prior to the date [74] hereof has authorized or prescribed rates, fares, and charges, which have not been published at the date of this order, the rates, fares, or charges initially established hereunder by applying the increases herein prescribed to the existing or published rates, fares, or charges may be subsequently revised by applying the increases prescribed herein to the rates, fares, and charges so authorized or prescribed by the Interstate Commerce Commission.

Section 21.

All schedules, viz., tariffs and supplements, published under the provisions of this order shall bear on the title-page the following, in bold-face type:

“The rates made effective by this schedule are initiated by the President of the United States through the Director General, United States Railroad Administration, and apply to both interstate and intrastate traffic.

“This schedule is published and filed on one day’s notice with the Interstate Commerce Commission under General Order No. 28 of the Director General, United States Railroad Administration, dated May 25, 1918.”

SUPPLEMENT No. 1 TO GENERAL ORDER  
No. 28.

Washington, D. C., June 12, 1918.

It is ordered that General Order No. 28, be, and the same is hereby, supplemented by amending the terms and provisions of the exhibit attached thereto as follows:

Paragraphs (b) and (c) of section 1, paragraphs (c) and (d) of section 2, and paragraph (b) of section 4 are canceled.

Paragraph (a) of section 1 is amended to read as follows:

\* \* \* \* \*

Counsel for plaintiff offered and there was received in evidence Plaintiff’s Exhibit No. 3, in words and figures as follows: [75]

PLAINTIFF'S EXHIBIT No. 3.  
YOSEMITE VALLEY RAILROAD COMPANY.  
Operating and Traffic Department.

File  
248

Merced, Calif., Jan. 16, 1924.

Mr. George B. McGinty, Secretary,  
Interstate Commerce Commission,  
Washington, D. C.

Dear Sir:

Please refer to order No. 12890, Standard Oil Company (California) vs. Director General, as Agent, and Amador Central Railroad Co. et al.

In reading the decision in this case, it is my understanding that the Yosemite Valley Railroad Company is not required to pay any amount of the overcharge which exists on shipments which moved over this line, and that the entire amount mentioned in the order, namely, \$968.18, is to be paid by the Director General. Please advise if my understanding in this matter is correct.

Very truly yours,

W. L. WHITE. [76]

COPY.

JJW-MEE

Feb. 12, 1924.

Mr. W. L. White, General Manager,  
Yosemite Valley Railroad Co.,  
Merced, Calif.

Dear Sir:

Kindly refer to your letter of January 16, file

248, having reference to the Commission's reparation order issued in Docket No. 12890.

On page 190 of the report there appears the following language:

"We find \* \* \* that complainant made the shipment as described and bore the freight charges thereon; that it has been damaged thereby in the amount of the difference between the charges paid and those which would have accrued at the rates herein found applicable and that it is entitled to reparation from the Director General, as Agent, with interest."

It would appear from the above-quoted language that the Director General should pay the entire amount of the reparation order.

Very truly yours,

ULYSSES S. BUTLER,

Chief Examiner. [77]

Plaintiff thereupon rested its case.

WHEREUPON, counsel for defendant James C. Davis, offered and there was received in evidence, Defendant's Exhibits "A," "B," "C," "D," "E," "F," "G," and "H," in words and figures,—with the exception of omissions hereinafter mentioned—as follows:

#### STATEMENT OF MATTERS OMITTED FROM BILL OF EXCEPTIONS.

(N. B. A copy of the complaint before the Interstate Commerce Commission being annexed to the petition filed in the United States District Court, reference to which is hereby made for further par-

ticulars, same is therefore omitted from this bill of exceptions upon stipulation. The answers, filed with the Interstate Commerce Commission, of the corporate defendants who were dismissed, Complainant's Exhibits Nos. 1 to 17, inclusive, before the Interstate Commerce Commission, which were all statements showing rates and tariff authority relied on by complainant for the rates claimed to be applicable on complainant's shipments, being a portion of Defendant's Exhibit "B" before the Court, Defendant's Exhibit "C" before the Court, consisting of complainant's Rule V statement, and Defendant's Exhibit "D" before the Court, consisting of an analysis of said Rule V statement, are omitted from this bill of exceptions for the sake of brevity upon stipulation of the parties.

All of the original exhibits before the United States District Court are to be transmitted by the Clerk thereof to the Appellate Court upon stipulation that either party may refer to any of said exhibits which are omitted from the bill of exceptions with like effect as if the same were included in this bill of exceptions and printed in the transcript.)  
[78]



DEFENDANTS' EXHIBIT "A."  
UNITED STATES OF AMERICA.

In the Southern Division of the United States District Court for the Northern District of California.

Action Brought in said District Court, and the Complaint Filed in the Office of the Clerk of said District Court, in the City and County of San Francisco.

PILLSBURY, MADISON & SUTRO,  
Plaintiffs Attorneys.

STANDARD OIL COMPANY, a Corp.,  
Plaintiff,

vs.

JAMES C. DAVIS (Director General of Railroads), as Agent, et al.,  
Defendants.

The President of the United States of America,  
GREETING: To James C. Davis (Director General of Railroads) as Agent, Amadore Central Railroad Company, a Corp., Holton Inter-Urban Railway Company, a Corp., Nevada Copper Belt Railroad, a Corp., Nevada-California-Oregon Railway, a Corp., Pacific Electric Railway Company, a Corp., Virginia & Truckee Railway, a Corp., San Diego and Arizona Railway Company, a Corp., Yosemite Valley Railroad Company, a Corp., Defendants.

You are hereby directed to appear and answer



the complaint in an action entitled as above, brought against you in the Southern Division of the United States District Court for the Northern District of California, within ten days after the service on you of this summons, if served within this county, or within thirty days if served elsewhere.

And you are hereby notified that unless you appear and answer as above required the said plaintiff will take judgment for any money or damages demanded in the complaint, as arising upon contract, or he will apply to the Court for any other relief demanded in the complaint.

Witness the Honorable JOHN S. PARTRIDGE, Judge of said District Court, this 14th day of February, in the year of our Lord one thousand nine hundred and twenty-five, and of our Independence the one hundred and forty-ninth.

[Seal]

WALTER B. MALING,

Clerk.

By A. C. Aurich,

Deputy Clerk.

A true copy.

Attest:

WALTER B. MALING,

Clerk.

By A. C. Aurich.

[Endorsed]: Filed 8/27/25.

RETURN ON SERVICE OF WRIT.

United States of America,  
Northern District of Calif.,—ss.

I hereby certify and return that I served the annexed summons on the therein named Jas. C. Davis (Director Genl. of R. Roads) as agent by handing to and leaving a true copy thereof together with copy of complaint attached with E. A. Van Wynan, statutory agent of Southern Pacific RR. Co. personally at city and Co. of S. F. in said district on the 17th day of Feby., A. D. 1925.

FRED L. ESOLA,  
U. S. Marshal.  
H. T. Curtiss,  
Deputy.

Filed Feb. 26, 1925. Walter B. Maling, Clerk.  
By A. C. Aurich, Deputy Clerk. [79]

DEFENDANTS' EXHIBIT "B."

INTERSTATE COMMERCE COMMISSION.

Washington.

I, George B. McGinty, Secretary of the Interstate Commerce Commission, do hereby certify that the attached are true copies of the following:

Complaint filed February 26, 1921,

Answers of defendants,

Transcript of the stenographer's notes of the hearing held November 4, 1921, at San Francisco, California, before Examiner C. R. Seal, Exhibits filed at said hearing, and

Letter received subsequent to the hearing referred to on pages 52 and 53 of the transcript,  
in case No. 12,890, Standard Oil Company (California) vs. Director General as Agent, Amador Central Railroad Company et al., the originals of which are now on file and of record in the office of this Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Commission this 14th day of August, A. D. 1925.

(Seal of the Interstate Commerce Commission)

GEORGE B. MCGINTY,

Secretary of the Interstate Commerce Commission.

[80]

BEFORE THE INTERSTATE COMMERCE  
COMMISSION.

I. C. C. Docket No. 12,890.

STANDARD OIL CO. (CALIFORNIA)

vs.

DIRECTOR GENERAL et al.

ANSWER OF JAMES C. DAVIS, DIRECTOR  
GENERAL OF RAILROADS, AS AGENT  
UNDER THE TRANSPORTATION ACT.

For answer to the complaint or so much thereof as he is advised it is necessary for him to answer, this defendant says:

1. He avers that he is Agent under the Transportation Act and as such is exercising the powers vested in and duties assigned him.

2. He admits that prior to his designation as Agent, John Barton Payne was Agent or Director General of Railroads and as such exercised the powers vested in and the duties assigned to him.

3. He refers to the tariffs named in the complaint and to all other tariffs applicable for a correct statement of the rates referred to or complained of herein.

4. He says that there was made the Director General's Order No. 28, effective June 25, 1918, and he avers that it was therein found by the Director General and certified to this Commission that in order to defray the expenses of Federal control and operation, fairly chargeable to railway operating expenses, and also to pay railway tax accruals other than war taxes, net rents for joint facilities and equipment, and compensation to the carriers operating as a unit, it was necessary to increase the railway operating revenue; also that in the Director General's opinion the public interest required a general advance in freight rates, passenger fares and baggage charges, as therein provided. [81]

5. He denies that he, as Agent, or his predecessor, either as Agent or as Director General, has violated or is violating any section of the Act to Regulate Commerce, or Section 10 of the Federal Control Act, as alleged in the complaint, or that anything done or omitted by him, as Agent, or his predecessor, as Director General, or as Agent, with respect to the subject matter of said complaint, is in violation of law, or that he should be subjected to any adverse order, and he denies that the com-

plainant has been in any way damaged or is entitled to the relief prayed or to any other relief.

6. Each and every allegation in the complaint touching anything alleged to have been done or omitted to be done by him as Agent or his predecessor as Director General or as Agent, not hereinbefore admitted or denied, is hereby specifically denied.

And having fully answered he prays that the complaint be dismissed.

JAMES C. DAVIS,  
Agent.

By JOHN F. FINERTY,  
Assistant General Counsel United States Railroad  
Administration.

Washington, D. C., July 11, 1921. [82]

OFFICIAL STENOGRAPHERS' MINUTES  
Before the

INTERSTATE COMMERCE COMMISSION.  
Docket No. 12,890.

STANDARD OIL COMPANY (California),  
Complainant,

vs.

DIRECTOR GENERAL, as Agent, AMADOR  
CENTRAL RAILWAY COMPANY, et al.,  
Defendants.

At San Francisco, California, Date November 4,  
1921.

Communication Regarding this Transcript Should  
be Addressed to New York Office.



THE STATE LAW REPORTING COMPANY,  
Official Reporters,

Woolworth Building,  
New Yory City, N. Y. [83]

Before the INTERSTATE COMMERCE COM-  
MISSION.

Docket No. 12,890.

STANDARD OIL COMPANY (California),  
Complainant,

vs.

DIRECTOR GENERAL, as Agent, AMADOR  
CENTRAL RAILWAY COMPANY, et al.,  
Defendants.

San Francisco, Calif., Nov. 4, 1921.

2:00 o'clock P. M.

Before: C. R. SEAL, Examiner.

Met pursuant to notice.

Appearances:

W. O. BANKS and W. B. ROBERTS, Standard  
Oil Building, San Francisco, California, Ap-  
pearing for Complainant.

HAVEN, ATHERN, CHANDLER & FARMER,  
San Francisco, California, Appearing for the  
Amador Central Railway Company, Defend-  
ant.

CHARLES D. MAHAFFIE, Hurley Wright  
Building, Washington, D. C., Appearing for  
the Director General, Defendant.



ELMER WESTLAKE, 841 Southern Pacific Building, 65 Market Street, San Francisco, California, Appearing for Director General, Nevada Copper Belt Railroad Company, Virginia & Truckee Railway Company, Southern Pacific [84—1] Company, Yosemite Valley Railroad Company, Pacific Electric Railway Company, and San Diego & Arizona Railway Company, Defendants.

SANBORN & ROEHL, Balfour Building, San Francisco, California, Appearing for the Nevada-California-Oregon Railway Company, Defendant. [85—2]

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PROCEEDINGS.

Exam. SEAL.—The next case assigned for this time and place is Docket No. 12890, Standard Oil Company (California), versus Director-General, as Agent, Amador Central Railroad Company, et al. Who appears for complainant?

Mr. BANKS.—W. O. Banks and W. B. Roberts.

Exam. SEAL.—And for the defendant?

Mr. FARMER.—For the Amador Central Railroad Company, Haven, Athearn, Chandler & Farmer. Farmer is my name. The other defendants are represented, I understand, by Mr. Roehl.

Mr. MAHAFFIE.—Charles D. Mahaffie for the Director-General.

Mr. WESTLAKE.—Elmer Westlake of the Director-General and the Nevada Copper Belt and the Virginia & Truckee; also for the Southern Pacific and the Yosemite Valley Railroad. I have no direct authority to represent any of the other corporate defendants. I assume their interests will be more or less mutual and probably more or less similar testimony would apply to all of them.

Exam. SEAL.—Are there any other appearances?

Mr. ROEHL.—Sanborn & Roehl, by A. B. Roehl, for the Nevada-California-Oregon Railroad.

Exam. SEAL.—The complaint alleges that the rates charged complainant for the transportation of petroleum [87—5] products in carloads shipped during the period August 1, 1918, to, and including, February 29, 1920, from and to the points named in paragraph 5 of, and in Exhibit “A” to the complaint were in excess of the legally published rates and charges and were in violation of section 6 of the Interstate Commerce Act and section 10 of the Federal Control Act, in that the increase of 4.5 cents per 100 pounds to the rates in effect May 25, 1918, authorized by Freight Rate Authority No. 96, was applied by defendants to the factors used in constructing the rates for the through movement instead of to the aggregate of such factors.

The commission is asked to award reparation.

Is that a correct statement of the issues, Mr. Banks?

Mr. BANKS.—I believe it is.

Exam. SEAL.—You may proceed with your case.

Mr. WESTLAKE.—I should like to add the following railroads as those for whom I appear: The Pacific Electric Railway Company and the San Diego & Arizona Railway Company.

Mr. FARMER.—If there is no objection from anyone I would like to put in proof of the fact that the Amador Central Railroad Company, one of the defendants here, is sued here only on intrastate transactions, and that that railroad was not under the control of the Director-General [88—6] of Railroads at the time of any of the transactions represented here, and that its rates were those

charged—upon the shipments here involved, were those established by the Railroad Commission of the State of California, and that there were no common rates between the Southern Pacific and the Amador Central as to any of these shipments at any of those times. With that I am willing to submit the matter, as far as the Amador Central Railroad is concerned, upon the point that there was no jurisdiction in the Interstate Commerce Commission as against the Amador Central Railroad Company upon any of the transactions here involved, and to ask leave to withdraw from further presentation of the matter.

Exam. SEAL.—The rates of the Amador Central were not initiated by the Director-General?

Mr. FARMER.—Only in this way: The Railroad Commission of the State of California, following the issuance of General Order 28, made an order in July, 1918, adopting and establishing for all carriers in the State of California the 25 per cent increase which had been ordered by the Director-General in June, 1918.

Exam. SEAL.—That is, adopting it as to carriers not under federal control?

Mr. FARMER.—Yes, and that named the established rate in California, so far as the Railroad Commission of the [89—7] State of California was concerned, at all times involved in the transactions recited in this complaint, and was never reduced to conform with the 4.5 cent equalizing rate or order which is involved in this complaint. Hence the Amador Central had no legal authority to charge anything less than the rate which it in

fact did charge, which is as set up in this bill of complaint. I will establish those facts, very briefly, if I may.

Exam. SEAL.—Do you want to take the stand now or wait until the complainant has finished its case?

Mr. FARMER.—I would like to put in the proof now.

Exam. SEAL.—It is a little out of order now.

Mr. FARMER.—I admit that, but there is no reason why we should listen to all these questions here upon points where we think the jurisdiction of the commission does not exist.

Mr. ROEHL.—I think that condition obtains, Mr. Examiner, with respect to a number of short lines. I know it does with respect to the Nevada-California-Oregon Railroad.

Exam. SEAL.—All these are intrastate transactions, are they?

Mr. ROEHL.—Yes. In other words, at the time the increase of 25 per cent was authorized on June 25, 1918, there were no joint rates for the intrastate transportation [90—8] of oil between points on the Nevada-California-Oregon Railway and other points reached on its connections. That oil was transported on combination of local rates to and from the junction point, and the movements as set out in the complaint as having taken place over the Nevada-California-Oregon Railway were movements between Alturas, a point in California, to Wendel, the connection with the Southern Pacific Company, which is in California and which ship-



ments moved on strictly local rate, or combination of a California rate, an intrastate rate.

Exam. SEAL.—On those movements, then, I take it the 4.5 cent increase was applied by the road not under federal control and also by the federal-controlled road.

Mr. ROEHL.—No, sir, the 4.5 cent increase was applied by the road under federal control, but the road not under federal control continued to apply the 25 per cent increase; in other words, the situation was this, Mr. Examiner:

That at the time of the promulgation of General Order 28 the Nevada-California-Oregon Railway was presumably under federal control. Subsequently to the increase of rates established by General Order 28 the Nevada-California-Oregon Railway was specifically released from federal control by Director-General Payne. It therefore was not subject to the subsequent orders of the Railroad [91—9] Administration.

Exam. SEAL.—You mean the order of establishing the 4.5 cent advance in lieu of the 25 per cent advance?

Mr. ROEHL.—Yes, and it continued the 25 per cent increase, and it never adopted the rule for the application of the 4.5-cent increase to the combination of the through rate as promulgated by the United States Railroad Administration after the date on which the N-C-O was released from federal control.

Exam. SEAL.—Its tariff did not carry that rule?

Mr. ROEHL.—No, sir.



Exam. SEAL.—Well, if there is no objection I suppose Mr. Farmer may proceed. You have no objection?

Mr. BANKS.—No, I have no objection.

Mr. ROBERTS.—Our position in this matter, Mr. Examiner, is that the rules named in the tariffs of the lines that were under federal control authorized the application of the through combination of rates in effect June 24, 1918, plus 4.5 cents, whether one of the factors was named in an N-C-O or any other tariff.

Exam. SEAL.—That is, where the movement occurred partly over the federal controlled and partly over the nonfederal controlled line?

Mr. ROBERTS.—Yes, our position is that that made no difference, according to the tariffs of the carriers. [92—10]

Mr. ROEHL.—Mr. Examiner, counsel certainly cannot contend that the N-C-O would be bound by a rule of a tariff to which it was not a party.

Exam. SEAL.—Off the record (discussion).

#### TESTIMONY OF J. A. McPHERSON.

J. A. McPHERSON was thereupon called as a witness, and having been duly sworn, testified as follows:

##### Direct Examination.

Q. (By Mr. FARMER.) What is your occupation, Mr. McPherson?

A. Superintendent of the Amador Central Railroad.

Q. That is one of the defendants in this docket, No. 12890? A. Yes.

Q. Were you such superintendent during all the time following June, 1918? A. Yes.

Q. (By Exam. SEAL.) Where is the Amador Central Railroad?

A. Connects with the Southern Pacific at Ione.

Q. (By Mr. FARMER.) Ione, California?

A. Ione, California.

Q. That is in Amador County?

A. Amador County.

Q. It is a line that is situated entirely within the State of California, is it?

A. It is situated entirely within the State of California. [93—11]

Q. Have you examined the items specified on the last page of the bill in this case relative to shipments from Richmond, California, to Martell, California? A. I have.

Q. Do you know whether these points named, Richmond, California, and Martell, California, are both within the State of California?

A. They are.

Q. And all shipments and movements of freight between those two points are still within the State of California? A. They are.

Q. Martell, California, is a point upon the Amador Central Railroad? A. It is the terminal.

Q. It is the terminal? A. Yes.

Q. At what point on the Amador Central Railroad do you connect with the Southern Pacific Company on these shipments? A. At Ione.

Q. So that that carrier carried these items speci-

fied on this last page of the complaint from Ione, California, to Martell?

A. To Martell, California.

Q. Now, state whether or not your railroad, that is, the [94—12] Amador Central Railroad Company, was taken over by the Director-General on or about June, 1918?

A. It was taken over the first day of January, 1918, along with all other railroads.

Q. The first day of January, 1918?

A. Yes, sir.

Q. What was thereafter done by the Director-General in reference to the Amador Central Railroad?

A. Well, that General Order 28 was issued increasing all tariffs 25 per cent. That tariff was filed on the 25th day of June, 1918.

Q. (By Exam. SEAL.) Was your road under federal control at that time, the Amador Central?

A. It was under federal control at that time, yes.

Q. At the time of this increase initiated by the Director-General? A. Yes, sir.

Q. (By Mr. FARMER.) When was the Amador Central released from federal control?

A. Released on June 30, 1918.

Q. Three days after the Order No. 28?

A. Five days.

Q. What was done by the Railroad Commission of the State of California when this advance of 25 per cent increased the tariffs, if you know? [95—13]

A. There was a circular letter issued by the rate expert, I believe, of the Railroad Commission, authorizing the filing of those tariffs, or increases, rather.

Q. Those 25 per cent increases?

A. The 25 per cent increases.

Q. What was the date?

A. That was dated July 17th.

Q. July 17th, 1918?

A. And on the 22d of July we filed the increased tariff with the California Railroad Commission.

Q. (By Exam. SEAL.) And the increase, was that the 25 per cent or the 4.5 cent advance?

A. 25 per cent.

Q. (By Mr. FARMER.) When was this 4.5 cent order made by the Director-General, if you know, the Traffic Bureau of the Director-General?

A. I think that was made sometime in August.

Q. At any rate, it was after the Amador Central had been released from federal control, was it?

A. Yes.

Q. And after the Railroad Commission of the State of California had authorized this 25 per cent increase? A. Yes, sir.

Q. Now, then, referring to these shipments which are referred to on the second, the last page of this bill, [96—14] will you state whether or not the tariff charged by the Amador Central upon those shipments was based upon this 25 per cent increase authorized by the Railroad Commission of the State of California in July, 1918? A. They were.

A. They were.

Q. It was? A. Yes.

Q. Did the Railroad Commission of the State of California ever during the time of these shipments decrease that rate? A. Never touched it.

Q. So that the rate actually charged by the Amador Central for the shipments here involved between Richmond and Martell was the regular filed rate with the Railroad Commission of the State of California? A. Yes.

Q. Had you any agreement of any kind with the Southern Pacific Company relative to joint tariffs for petroleum of any kind?

A. None whatever.

Q. None whatsoever?

A. No joint tariffs with the Southern Pacific whatever.

Mr. FARMER.—That is all.

Q. (By Exam. SEAL.) Did the 25 per cent increase originally become effective on June 25, 1918, or at a later date? [97—15]

A. It became effective on June 25, 1918.

Q. (By Mr. FARMER.) You mean by that that you adopted it as of that date?

A. As of that date.

Q. (By Exam. SEAL.) Were you under federal control at that time? A. At that time, yes.

Q. And increased your rates along with those of other carriers under federal control? A. Yes, sir.

Q. And later, after your road was released, the Railroad Commission of California confirmed that?

A. Confirmed that tariff, or increase rather.

Q. Have you reference to your tariffs which named



the rates on the commodities, or the rates in effect when these shipments moved?

A. Well, takes fifth class rate, Western Classification, and our fifth class rate was 9 cents previous to the increase, and the increase raised it to 11.5 cents, and that was the rate charged.

Q. 11.5 cents? A. Yes, per 100 pounds.

Q. Was that tariff filed with the Interstate Commerce Commission?

Q. (By Mr. FARMER.) Can you answer that question, whether [98—16] that tariff which had been ordered by the Railroad Commission, was filed with the Interstate Commerce Commission?

A. The original supplement was, yes—the increase of 25 per cent was filed with the Interstate Commerce Commission.

Q. (By Exam. SEAL.) Can you give me the I. C. C. number of it?

A. Let me have that tariff. (Tariff handed to witness.)

A. It was our original tariff. There is the original Tariff, 1-B, I. C. C. No. 5, filed back in June of 1914. This (indicating) makes the increase.

Q. The increase of June 25, 1918, was carried in supplement No. 3 to your—

A. (Interrupting.) That is the California supplement. This is a special supplement issued under General Order 28 covering increases to Tariff 1-B.

Exam. SEAL.—Any cross-examination?

Mr. BANKS.—No questions.

Q. (By Mr. ROEHL.) I would like to ask Mr. McPherson a question. Was the circular of the



Railroad Commission a circular of general application in the State of California?

A. Yes, I believe it was California only. They would only have jurisdiction over California. [99—17]

Q. But what I mean, it applied to all roads operating wholly within the State of California. That was correct was it?

A. I don't know that I am in position to answer that.

Q. Have you got a copy of that circular letter?

A. No, I have not. It was a circular letter issued by the California commission under date of July 17, 1918.

Q. And that circular letter confirmed or authorized the rates theretofore established under General Order 28 by the railroads which had been relinquished, is that right? A. That was it.

Mr. ROEHL.—I would like the privilege of presenting and filing a copy of that circular of the Railroad Commission of the State of California later in this case. I have not one at the present time. I can obtain one if the Examiner will consent to receive it.

Exam. SEAL.—Yes, that may be filed within fifteen days.

Q. (By Mr. WESTLAKE.) The only reason you needed the authority of the California Railroad Commission in confirmation of the 25 per cent increase was because of June 30, 1918, your road was relinquished from federal control?

Mr. FARMER.—I think that is a conclusion of law.

Mr. WESTLAKE.—It is to your advantage. If you want [100—18] that withdrawn and object to it I will withdraw it.

Mr. FARMER.—I think it is a question of law purely.

Mr. WESTLAKE.—I will withdraw the question.

Exam. SEAL.—That might be the inference drawn from the facts that you presented. Off the record (discussion).

A. Yes.

Exam. SEAL.—Witness excused.

(Witness excused.)

Mr. FARMER.—Thank you very much.

Exam. SEAL.—You may proceed, Mr. Banks.

### TESTIMONY OF W. B. ROBERTS.

W. B. ROBERTS was thereupon called as a witness, and having been duly sworn, testified as follows:

#### Direct Examination.

Q. (By Mr. BANKS.) Please state your name and occupation.

A. W. B. Roberts, Assistant Traffic Manager, Standard Oil Company, San Francisco.

Q. What experience have you had in traffic matters, Mr. Roberts?

A. I have had about twelve years experience with the railroads, interpreting tariffs and applying rates, and fourteen years' experience along the same lines with the Standard Oil Company.

Q. Will you please state in a general way on what your contention in this case is based? [101—19]

A. The shipments involved in this complaint consisted of petroleum and petroleum products, classified fifth class in the current Western Classification. There were no through rates published to apply, the rates being based on combination of different factors found in different tariffs.

The question is whether the applicable rates should have been constructed by the addition of a single increase to the combination of the factors in effect June 24, 1918.

Q. Was that provision carried generally in the tariffs of lines that were under federal control?

A. There was a provision in the tariffs, yes.

Q. (By Exam. SEAL.) In each of the controlled lines over which these shipments moved?

A. Some of the shipments moved, I believe, wholly over the lines that were under federal control, and some of them moved partly over federal-controlled lines, and partly over nonfederal-controlled lines.

Q. But in every case the line under federal control carried in its tariff the combination rule, as I understand your statement?

A. That is the case, yes.

Q. (By Mr. BANKS.) One of the tariffs naming the factors carried such a provision? A. Yes, sir.

Q. Have you prepared any exhibits showing reference to [102—20] these shipments and tariff authorities?

A. Yes, I have had prepared under my supervision, an exhibit of each shipment, showing each shipment, the point of origin, destination, the date of shipment, car initial and number, and route, together with full tariff authority, giving reference to the publications containing prescribed methods of arriving at the rates as contended for. I would like to introduce these exhibits rather than to read all the tariff references into the record.

Exam. SEAL.—I would prefer for you to do that.

Q. (By Mr. ROEHL.) Would you mind if you let us look at that for a moment?

A. Yes, that is simply of the first one.

Mr. BANKS.—I think it would be best to read these lists off and then refer to them as you come to them.

A. I intend to read each one saying from and to what points shipments moved.

Exam. SEAL.—Off the record (discussion).

Mr. BANKS.—These exhibits were prepared to show points of origin and destination of all the shipments involved in this complaint, together with the routes and the rates and the full tariff authority relied on for the construction of the rates.

Exam. SEAL.—How many exhibits are there?  
[103—21]

Mr. BANKS.—Seventeen.

Exam. SEAL.—Complainant's Exhibits 1 to 17 are received.

(The various statements so offered were received in evidence, thereupon marked "Complainant's Exhibits Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,

13, 14, 15, 16 and 17, respectively, Witness Roberts," and are forwarded herewith.)

Q. (By Mr. BANKS.) Did your company pay and bear the freight charges on all shipments listed in this complaint? A. Yes, sir.

Q. Please state in a general way the problem that confronted you in the interpretation of these rates and the manner in which you interpreted them.

A. Effective June 25, 1918, all freight rates were increased 25 per cent with the exception of a few short lines. This general increase of 25 per cent was modified by F. R. A. 96 of the Director-General of the Division of Traffic of the United States Railroad Administration, July 11, 1918.

I have here a copy of Freight Rate Authority No. 96, which is—or at least it is referred to or reproduced in a letter signed by A. C. Johnson, Chairman of the Western Freight Traffic Committee, dated July 22, 1918. [104—22] at Chicago, Illinois, or at least it states 608 South Dearborn Street—Rate Advice Letter No. 38. I desire to read the part of this rate Advice Letter No. 38 which is we think pertinent to this case. I will later introduce this as evidence.

Exam. SEAL.—If you are going to introduce it as evidence offhand I would not see any need to read any part of it into the record.

A. I wanted to read that part of it which provides for adding the 4.5 cents to the continuous through movement, in connection with the permission of the interstate Commerce Commission—

Exam. SEAL.—That will speak for itself.



Mr. BANKS.—I think you can introduce that and it will speak for itself.

The WITNESS.—All right.

Exam. SEAL.—Copy of Freight Rate Authority No. 96 is received in evidence as Exhibit 18.

(The copy of Freight Rate Authority No. 96 so offered was received in evidence, thereupon marked “Complainant’s Exhibit No. 18, Witness Roberts,” and is forwarded herewith.)

The WITNESS.—There is also attached, Mr. Examiner, a copy of the Interstate Commerce Commission’s permission No. 47,201. [105—23]

Exam. SEAL.—That will also be a part of Exhibit 18.

The WITNESS.—That is part of the same exhibit, yes.

In compliance with this Freight Rate Authority No. 96 the carriers generally amended their tariffs by publishing the rule reading substantially as follows:

“When the total charges on the through shipment of petroleum and petroleum products, carloads, classified fifth class in Current Western Classification, are constructed on separately established rates applying to and from junction points, first determine the through rate or through combination of rates in effect June 24, 1918, and then increase such combination of rates 4.5 cents.”

Q. (By Mr. WESTLAKE.) From what is that a quotation, that you have just read?

A. That or similar rules are carried in each of



the tariffs referred to in the exhibits which I have submitted as Nos. 1 to 17.

Q. (By Mr. ROEHL.) That is not exactly correct, Mr. Roberts, is it?

A. I will amend that. The rule is carried in some one of the tariffs making up the combination of rates.

Q. (By Exam. SEAL.) On each of the shipments involved in this case? A. Yes, sir. [106—24]

Q. (By Mr. ROEHL.) I would like to straighten that out, if you don't mind. If you will refer to Exhibit No. 7, Mr. Roberts, you will find it covers a movement of oil from Salt Lake City to Alturas, California, over the Western Pacific and the Nevada-California-Oregon Railroad. That is correct, is it not? A. Yes, sir.

Q. Now, was there any such combination rule in the tariffs of the Nevada-California-Oregon Railroad at the time those shipments moved?

A. No, sir. It is not contended that there is, but there was such a rule in the Western Pacific tariff.

Exam. SEAL.—That is the contention is, as I understand, that the rule was carried in a tariff applicable over the line not federally controlled in each instance?

Mr. ROEHL.—Yes, and of course the N-C-O, or any railroad not under federal control, would not be bound by it.

Exam. SEAL.—That is a question to be argued.

Q. (By Mr. ROEHL.) I would like to ask one more question of Mr. Roberts. Do you remember

whether or not the Nevada-California-Oregon was released from federal control, and on what date?

A. I do not. This rate, so constructed according to these rules, was limited by the fifth class rates, that [107—25] is, fifth class rates as increased June 25, 1918, not to be exceeded.

Q. (By Mr. BANKS.) Were the tariffs uniformly made effective on the same date?

A. No, they were not. Some of the tariffs were amended to carry this rule fully thirty days after other tariffs were amended. The result was that a good many shipments moved under conditions where only one of the tariffs naming one of the factors carried this combination rule.

The question then first arose as to whether this combination rule was sufficient authority to apply the single increase to the through continuous movement. The question led to a great deal of controversy, the Western roads—that is, I mean by that the lines operating on the Pacific Coast—generally held that where this rule was carried in one of the tariffs naming one of the factors, that it was of sufficient authority to apply it to the continuous through movement even though the tariffs naming the other factors did not carry such a rule, nor were the other lines party to the tariff that did carry the rule.

Q. (By Exam. SEAL.) Was not that interpretation limited to roads under federal control?

A. I believe it was, yes. That, however, did not appear at the beginning of the controversy. You understand, [108—26] Mr. Examiner, that this

question has been extended over that period since Freight Rate Authority No. 96 first became effective up to the present time, and is still going on.

Q. Did you take this matter up with the San Francisco District Freight Traffic Committee at any time and ask for their view?

A. Yes, the matter was referred to the San Francisco District Freight Traffic Committee for a ruling, and I have here a letter, original letter signed by W. G. Barnwell, Chairman, Division of Traffic, Western Territory, United States Railroad Administration, dated January 30th, file DFC-1799-S-3, which, with your permission, I will read into the record.

Q. (By Exam. SEAL. How long is it?

A. It is just a short one.

Q. Have you a copy of that that you can introduce?

A. I have no copy with me. If one copy is sufficient I don't think we will need it for this case.

Mr. BANKS.—We can supply the copies.

Exam. SEAL.—If you want to introduce the original I will permit you to withdraw it to be copied.

Mr. BANKS.—I suggest that you introduce the original and withdraw it and have copies of it made.

The WITNESS.—I neglected to state there that this [109—27] letter was addressed to S. G. Casad, Traffic Manager, Standard Oil Company, San Francisco, California.

Exam. SEAL.—Is there any objection to the introduction of this letter?

Mr. WESTLAKE.—It is largely a question of tariff interpretation, may it please the Examiner, and I do not suppose the commission will be bound by Mr. Barnwell's opinion in the matter.

Exam. SEAL.—No, I don't think the commission will feel bound. I suggested that it be introduced in this way, rather than to read it into the record, because I think it is a beter way of handling it.

Mr. ROEHL.—Lines not under federal control would like the record to show at this point what the letter indicates.

Exam. SEAL.—The letter described by the witness will be received and marked Complainant's Exhibit 19. It may be withdrawn for the purpose of copying and returned to the commission within fifteen days.

(The letter in question so offered was received in evidence, thereupon marked "Complainant's Exhibit No. 19, Witness Roberts," and is forwarded herewith.)

Q. (By Mr. BANKS.) Did you pay any freight charges based on the ruling in that letter where only one of the tariffs named the so-called combination rule? [110—28]

A. Yes, the carriers presented freight charges based on the rate in effect June 24, 1918, plus 4.5 cents, in accordance with the provisions of this letter when one of the tariffs naming one of the factors carried the combination rule, and even though the other lines participating in the haul did not publish such rule in their tariffs, nor did they concur in the tariff in which the rule was published.

Q. (By Exam. SEAL.) That does not apply to any of the shipments involved in the case, does it?

A. I am not sure whether we paid undercharges on any of these shipments or not, but I think not.

Q. Your position here is that you paid a double advance on the shipments, as I understand it?

A. Yes, our position is that the charges as collected on the shipments represented in this complaint were based on rates which were in excess of the single increase.

Q. These shipments that you refer to on which you were assessed a single increase, did they move over nonfederal-controlled lines?

A. No, they moved—they did not move entirely over federal-controlled lines; there may have been some of them that moved over nonfederal-controlled lines, but I could not state positively that there was any.

Q. (By Mr. BANKS.) Not over nonfederal lines? [111—29]

A. No.

Q. (By Exam. SEAL.) On which you paid on basis of one advance, that is, you don't know whether there were any?

A. No, I don't.

Q. Which moved over nonfederal lines?

A. We were not informed as to what railroads were under federal control and what were not. The carriers themselves I understand did not always know.

Q. (By Mr. BANKS.) Then in paying the freight charges where only one of the tariffs car-



rier the so-called combination rule, the other not carrying it, and where it was based on a 4.5 cent increase for the through movement, wouldn't that leave undercharges existing in case the commission should not uphold the contention in this case?

A. Yes, it would. If the commission's decision in this case would be that the rule which was carried in one of the tariffs naming one of the factors was not authority for applying a single increase, then we would be in the position of having to pay back to the railroads in the way of undercharges, approximately \$8,000.

The carriers have also paid quite a number of claims in which the same principle is involved, and we would of course have to pay that back.

Q. Were those carriers that paid the claims all federal-controlled [112—30] carriers?

A. Yes, that is, I presume they were. I am not posted as to what railroads were under federal control and what were not. In interpreting tariffs and applying freight charges we endeavored to follow the letter of the tariff, and, nothing appearing in the tariffs to indicate what were federal-controlled and what were not, we disregarded that question altogether.

Q. (By Exam. SEAL.) In going through your Exhibits 1 to 17, can you point out which of the lines over which shipments moved were not under federal control?

A. I could not, Mr. Examiner, no. I am not posted as to what roads were under federal control,



and what were not. There are some of them I do know now were not under federal control, but I could not say as to all of them.

Q. (By Mr. BANKS.) Did you later receive ruling contrary to the one which you have introduced as from Mr. Barnwell?

A. Yes, we had some shipments that originated in Rochester, New York, some of which are represented in the exhibits which I have submitted, and this question eventually I believe came to the notice of some of the eastern carriers, and was referred to the Chicago Committee, and the opinion of Mr. Johnson, who was chairman of that committee, of the Western Freight Traffic Committee, was not in accord with the opinion as expressed by Mr. Barnwell in the letter I [113—31] have just introduced as evidence.

I have here a copy of Mr. Johnson's letter, dated at Chicago, November 28, 1919, file F-25, which—

Q. Have you extra copies of that?

A. It is addressed to Freight Traffic Officer of Railroads under federal control in Western territory, and the purport of this letter is that if a so-called combination rule is carried in a tariff containing one of the factors, but a like rule is not carried in the tariff or tariffs containing the other factor or factors to the combination, such combination rule may not be applied in combination with a carrier not a party to the tariff containing the combination rule.

Q. (By Mr. WESTLAKE.) Who was Mr. Johnson?

A. Mr. Johnson was Chairman of the Western Freight Traffic Committee at Chicago.

Q. That was a committee superior to the San Francisco Freight Traffic Committee, of which Mr. Barnwell was Chairman?

A. That is a question I couldn't answer. I don't know whether Johnson had authority over Mr. Barnwell or not.

Mr. WESTLAKE.—Well, he did.

Mr. ROEHL.—What is the date of Mr. Johnson's letter?

A. That was dated November 28, 1919.

Q. (By Mr. BANKS.) Have you copies of that last? [114—32]

A. I have sufficient copies so that I can introduce this in evidence, if necessary. Of course this is not in our favor, but we want the commission to have full information.

Q. (By Mr. MAHAFFIE.) That is the rule on which the charges you complain of was based, was it not?

A. Yes.

Q. (By Exam. SEAL.) Do you wish to introduce that?

A. Yes, I would like to introduce that for the information of the commission.

Exam. SEAL.—The copy of letter described will be received as Exhibit 20.

(The letter in question was received in evidence, thereupon marked "Complainant's Exhibit No. 20, Witness Roberts," and is forwarded herewith.)

Q. (By Mr. BANKS.) In lieu of the combina-

tion rule did the carriers finally adopt a different method of publishing the rates?

A. I would like to make one statement before I answer that question, if you please; that is to say, that notwithstanding this ruling of Chairman Johnson, that the carriers continued to render freight bills, based on a single increase, even though only one of the tariffs naming the combination rate carried the combination rule, and when the other lines participating in the haul did not concur in that tariff; the only exceptions being the [115—33] shipments which were specifically covered in this complaint; the other shipments still stand in our accounts on basis of the single increase.

Q. (By Exam. SEAL.) How did it happen that you were billed for these at the double increase?

A. That is rather a hard question to answer, but I can say that the majority of the shipments represented by these exhibits that I have introduced moved partly over nonfederal lines, and the carriers generally refused to apply the combination rule in connection with nonfederal lines.

Q. Isn't the question involved in this case, so far as movements over federal-controlled lines are concerned the same as that decided by the commission in the Sligo Iron Case, or are you familiar with that case?

A. Yes, I think it is exactly the same as that case.

Q. The only difference here is where a nonfederal-controlled line is involved, as I understand it?

A. I believe that is correct, yes.

Mr. BANKS.—It does not appear that there were any nonfederal lines in connection with the docket 10154.

Exam. SEAL.—If that is the number of the Sligo case.

Q. (By Mr. BANKS.) Did the carriers finally adopt a different method of publishing the rates?

A. Yes, as tariffs naming the rates in effect June 24th, [116—34] 1918 were cancelled, then it became necessary to adopt some other plan, or some plan other than these so-called combination rules, in order to avoid referring to a tariff that had been cancelled, for a basis on which to build up the rate.

The carriers finally adopted what is usually referred to as rate tables. The principle being the same as the so-called combination rule, and the effect being the same.

It was intended—or at least I would not say it was intended, because I don't know the intention of the makers of the tariff, but the effect of these combination rules was exactly the same as the effect—I mean to say the effect of the rate tables was exactly the same as the effect of the combination rule.

Exam. SEAL.—Off the record (discussion).

Q. (By Mr. BANKS.) Do you think it necessary to elaborate on those tables inasmuch as the principle is the same as shown in the others, and it is set forth in the exhibits there?

A. I think not. The rules are all practically the same as the combination rules, in that they state that in the case of combination rates that each factor

of the combination will be reduced by a certain amount.

Q. (By Exam. SEAL.) You are referring to the different [117—35] rules in the tariff?

A. The tables, the rules in connection with these rate tables that were published in lieu of the combination rule.

Q. (By Mr. BANKS.) Mr. Roberts, take your exhibit of the rates from El Segundo to Holtville and with the tariff endeavor to explain just what the tables of rules refer to:

Q. (By Exam. SEAL.) What is the number of that exhibit?

A. No. 11. This covers a shipment classified fifth class from El Segundo, California, to Holtville. The fifth class rate from El Centro to Holtville, California, is 12½ cents. There was no through joint rate in effect from El Segundo to Holtville, rates being made by combination of different factors, found in different tariffs.

There was a commodity rate from El Segundo to El Centro, California, of 53½ cents.

By referring to rule 7, page 44 of Pacific Freight Tariff Bureau I. C. C. No. 424 of F. W. Gomph, Agent, in which tariff this commodity rate is found, I find the following provision:

“When through rate from point of origin to destination on petroleum and petroleum products, classified fifth class in current Western Classification, carloads, is [118—36] made by combination of two or more separately established factors, such through rate will be constructed in the following



manner: (a) Where the separately established fifth class rate (disregarding the minimum fifth class rate) is the same as the figure shown in column 1 of table of rates, page 48, the factor for basing the through rate will be the figure shown opposite in column 2.

“(b) Where the separately established commodity rate is the same as the figure shown in column 1 of table of rates, page 48, the factor for basing the through rate will be the figure shown opposite in column 3.

“(c) To the sum of the factors arrived at by use of formula in paragraph (a) or paragraph (b), or paragraphs (a) and (b), add 4.5 cents per 100 pounds; fifth class rate from point of origin to destination not to be exceeded.”

I have referred to a commodity rate named in this tariff of  $53\frac{1}{2}$  cents. By referring to table of rates shown on page 48 I find that when the rate shown in column 1 is  $53\frac{1}{2}$  cents that the rate shown in column 3, which is the column for commodity rates, the basing factor will be 49 cents. The fifth class rate from El Centro to Holtville is  $12\frac{1}{2}$  cents, as named in Holton Interurban Railway Company's Tariff I. C. C. No. 11. [119—37]

In column No. 1 of this table, when the fifth class rate is  $12\frac{1}{2}$  cents, as shown in column No. 1, the factor to be used, as shown in column No. 2, is ten cents.

We will go back to the rule which provides that to the sum of these factors 4.5 cents should be added. This would make a total combination rate



of 63½ cents to be applied, the same as would be used if the rate in effect June 24, 1918, plus 4.5 cents was applied.

Q. (By Exam. SEAL.) Plus 4.5 cents for the through continuous movement?

A. For the through continuous movement.

Q. The result is the same whether the tariff carries this formula or the combination rule which you previously read? A. Yes, sir.

Exam. SEAL.—And the rates are arrived at in one or the other of those two ways, as I understand it.

Q. (By Mr. WESTLAKE.) Mr. Roberts, were these two rates, 49 cents and 10 cents the rates on June 24th, 1918?

A. No, sir, those were the current rates in effect at the time shipments moved—53½ cents reduced by this rate table to 49, and the other factor, 12½ cents, reduced by the rate table to 10 cents, then adding the 4.5 cents. [120—38]

Q. All right, now you said the result of 63½ cents would have been just the same as adding 4.5 cents to the rate in effect June 24, 1918?

A. That is correct.

Q. Now, were these rates on June 24, 1918, 49 cents and 10 cents? A. They were not.

Mr. BANKS.—They were—I beg pardon.

Q. (By Exam. SEAL.) They would be if they were each increased 4.5 cents?

A. Oh, yes, that is true.

Q. (By Mr. WESTLAKE.) No, I don't get you yet.

A. I can tell you what the rates were that were in effect.

Q. All right, give me the rates.

A. That is correct. The rate in effect June 24, 1918, was 49 cents from El Segundo to El Centro, and 10 cents from El Centro to Holtville.

Q. Then all that this table really means is that you go back to your rates of June 24, 1918, and add 4.5 cents?

A. The effect is the same, but you don't go back to the tariff that names the rates in effect June 24, 1918.

Q. But the fellow that got up the table did?

A. He did, yes.

Q. (By Exam. SEAL.) Was this movement, for example, entirely over federal-controlled lines? [121—39]

A. To Holtville, I believe not; I believe that was a nonfederal line.

Mr. ROEHL.—Yes, the Holton Interurban was a nonfederal line, as I understand it.

Q. (By Exam. SEAL.) Do I understand its tariff carried this table?

A. No, sir, just the tariff of the federal line, which was Pacific Freight Tariff Bureau I. C. C. No. 424. The Tariff, No. I. C. C. 11 of the Holton Interurban Railway Company, did not carry such a table.

Q. It published a rate of 12½ cents?

A. Yes, sir.

Q. In reducing that to 10 cents you refer back to the Pacific Freight Bureau Tariff?

A. Yes, sir.

Q. (By Mr. ROEHL.) That is representative of what you have done in all these similar cases?

A. That is representative, yes.

Q. (By Mr. BANKS.) And the rule shown in Agent Gomph's tariff I. C. C. 424, rule 7, which you have just referred to, constituted a holding out of the rates that would be constructed in accordance with the method prescribed therein, regardless of whether or not the Holton Interurban Railway was a party to this tariff?

Mr. MAHAFFIE.—I have to object to that. It seems to [122—40] me it involves a conclusion of the witness on a tariff, which obviously must be considered a legal principle.

(The question was read by the reporter.)

Mr. ROEHL.—We object, Mr. Examiner.

Exam. SEAL.—That is a question to ask the Commission to decide, is it not?

Mr. BANKS.—I believe it is.

Exam. SEAL.—I sustain the objection.

Q. (By Mr. BANKS.) The example which you cite there of the Holton Interurban is just merely an example of all the cases, is it not? A. Yes.

Q. Have you any record of any claims paid where they were based on rates where only the 4.5 cents was added to the through continuous movement?

A. Yes, I have. I would like to introduce as evidence copies of these claims which have been paid by the carriers, merely as representative of other claims which have been paid; in other words, it is

not to be understood that these are all of the claims that have been paid by the carriers.

Q. (By Mr. MAHAFFIE.) Can you furnish them all?

A. We could, yes, we could furnish all of them, but it would require a good deal of work and it would make quite a large exhibit. [123—41]

Exam. SEAL.—Off the record (Discussion).

Mr. BANKS.—I think this can be left out.

Mr. MAHAFFIE.—I would rather like to have that statement in the record if the counsel is willing to concede that section 6 is the only violation of the Interstate Commerce Act complained of here.

Exam. SEAL.—I think the complaint states that.

Mr. MAHAFFIE.—The complaint carries violation of section 10 of the Federal Control Act, which might be construed as broadening the issue, and I wondered if it was so intended.

Exam. SEAL.—You are not bringing in the question of reasonableness of rates charged; it is only tariff interpretation?

Mr. BANKS.—One of tariff interpretation, not the reasonableness of any of the factors involved; just a question of whether or not the 4.5 cents should be added for the through continuous movement, that is all.

Mr. MAHAFFIE.—Which is simply a violation of Section 6.

Mr. BANKS.—Yes, in the case of an adverse decision, Mr. Roberts, you say there would be a number of undercharges that would have to be paid on

shipments where rates had been constructed, having only added 4.5 cents to the through rate? [124—42]

A. Yes, I estimate the undercharges would amount to about \$8,000, exclusive of the claims which have been paid.

Q. What is the average weight of the shipments involved in this complaint?

A. Most of the shipments were tankers, the cars having a capacity of approximately 10,000 gallons. At the estimated weight provided for in the tariffs and classifications those shipments would weigh 66,000 pounds.

Q. Then a fair average weight would be 66,000 pounds per car? A. I think so, yes.

Q. Is there anything further, Mr. Roberts?

A. If it is considered as pertinent to the issue I would like to state the manner in which these rates are provided for at present. In other words, how they stand in the tariffs to-day, both with respect to Federal and nonfederal lines.

Exam. SEAL.—Any objection on behalf of the defendant?

Mr. ROEHL.—Isn't that the same proposition we were discussing a while ago?

Mr. MAHAFFIE.—I don't see the pertinency.

Exam. SEAL.—I do not believe offhand that that would have any influence on the question here, either.

Mr. ROEHL.—I think it is the same thing we were discussing [125—43] a while ago.



The WITNESS.—The exhibit would show that the carriers have established through joint commodity rates in connection with nonfederal lines, based on the single increase, and that these rates were published without any indication of an increase or a decrease, which would indicate that the carriers themselves felt that the single increase—

Mr. MAHAFFIE.—I have to object to that, as to what it would indicate. It is obviously a conclusion of the witness.

Exam. SEAL.—Off the record (Discussion)

Exam. SEAL.—Is there anything further, Mr. Roberts?

A. Nothing further, Mr. Banks, take the witness.

Cross-examination.

Q. (By Mr. MAHAFFIE.) As assistant traffic manager of the Standard Oil Company what are your duties?

A. That is rather hard to explain in detail, at least, but one of my duties is the keeping in close touch with all rate changes and rate adjustments, and to supervise the application of the rates in payment of freight charges so that they will be strictly in accordance with the letter of the tariff; in other words, neither any undercharges or overcharges.

Q. You attend to traffic matters? [126—44]

A. Yes, sir.

Q. You testified that you knew that the company paid and bore the charges involved here. How did you know that?



A. I know that our records show that we paid the freight charges.

Q. You know the records show it?

A. Yes, sir, in every case that we paid the freight charges. The shipments were all consigned to the Standard Oil Company and we paid the freight.

Q. You learned that from an examination of the records, then?      A. Yes, sir.

Q. Have you examined the records in regard to these particular shipments yourself?

A. Yes, sir.

Q. (By Exam. SEAL.) Was the Standard Oil Company the consignor of all these shipments?

A. No, some of the shipments moved from the east, from eastern points, where the Standard Oil was not the consignor; but in every case the charges followed and we paid them.

Q. Paid at destination?

A. Paid at destination, yes, sir.

Q. And were not charged back to the consignor in any way? [127—45]

A. Not charged back to the consignor. No part of the charges was charged back to the consignor in any way.

Q. (By Mr. BANKS.) Mr. Roberts, there may have been instances where some of those shipments originating in the east were prepaid for our account too, were there not?

A. Not as I remember it. It has been some time since I examined these, but I do know that the Standard Oil Company bore the charges.

Q. (By Mr. MAHAFFIE.) Where did you examine them?      A. In the office.

Q. In the office here?

A. The office in San Francisco, yes, sir, from our records.

Q. Who made the record?

A. Chief clerk, Mr. Cooper.

Q. Your knowledge of the transactions involved in connection with these shipments is limited to your examination of those records in preparation for this case? A. It is, yes.

Q. You had no connection, as I understand it, with the transactions at the time they took place, so far as the purchase and sale of these products was concerned, beyond the shipping details and checking the freight?

A. We check the freight—not only check the freight, [128—46] but we pay the freight, and we also indicate to whom the freight charges shall be—who shall stand the freight charges, what department. We have several different departments in the Standard Oil Company, and it is the duty of the traffic department to apportion the freight to the proper department.

Q. Taking the shipments shown on your exhibit No. 17, Richmond, California, to Yerington, Nevada, who was the consignor in that case?

A. The Standard Oil Company was the consignor of that shipment.

Q. Who was the consignee?

A. Standard Oil Company.

Q. Is the Standard Oil Company the consignee in each of the shipments shown? A. Yes, sir.

Q. Taking the other exhibits, other than num-

bers 1 to 17, is it the same situation as to the consignee as in 17? A. Yes, sir.

Q. The Standard is the consignee in each instance? A. Yes, sir.

Q. Taking Exhibit 17 again, where was the freight paid?

A. That was prepaid at Richmond, as I remember it.

Q. As I understand your testimony, your knowledge as to [129—47] the transaction is derived from the examination of the records here in San Francisco, of the sales? A. Yes.

Q. And the consignor and consignee?

A. Yes, sir. We keep a record of the consignor, consignee, car number, initial, shipping point, destination, rate; and then in the same book we indicate to whom the freight charges are charged.

Q. (By Mr. WESTLAKE.) Take your Exhibit No. 11, where the movement was partly over the Santa Fe, Southern Pacific and Holton Interurban Railway. Now, as to the movement over the Southern Pacific and the Santa Fe, the rate was found in the bureau tariff, was it not?

A. Yes, sir.

Q. And the rate from El Centro to Holtville was found in the Holton Interurban tariff?

A. It was.

Q. Now, did the bureau tariff make any reference whatever to the Holton Interurban tariff?

A. It did not.

Q. Did the Holton Interurban tariff make any reference to Agent Gomph's tariff?

A. It did not.

Q. Now, in the case of that shipment, were the freight charges collected at point *or* origin or destination? [130—48] A. Point of origin.

Q. Where would the Holton Interurban Railway find any authority for charging less than 12½ cents on the movement from El Centro to Holtville? Where did it have in those tariffs any place any provision that anything less than 12½ cents could be charged for that movement?

A. In so far as the Holton Interurban Railway is concerned, taking that rate as named in their tariff separately and apart from the other movement, they had no authority; but considering it as part of a through movement we contend that the rules of the notes carried in the bureau tariff were authority for applying what might be termed a through rate.

Q. But it wasn't a through rate, and by what process of reasoning can you come to the conclusion that the Holton Interurban is authorized to deviate from those plain tariff provisions and go to the tariff to which it was not a party and which was in no way referred to in its own tariffs?

A. I will answer that by saying, if you please, that the bureau tariff made a provision that in the absence of through rates, when the rates were made by combination of different factors found in different tariffs, that the rate to apply would be the rate in effect June 24, 1918, plus 4.5 cents for a through continuous movement. That [131—49] was not limited in any way, and, as we see it, the carriers who published that rate in the tariff should make

good the holding out to the public that the rate would be so constructed; in other words, it would be a matter of divisions as between the Holton Interurban and the other lines. The lines that published the tariff naming the combination rule should be held to it.

Q. That might be so, possibly, as to the Pacific Freight Tariff Bureau carriers, but what I am trying to find out is how you can find any authority for the Holton Interurban charging anything less than 12½ cents on a movement from El Centro to Holtville?

Exam. SEAL.—I think that is a question for argument.

Mr. WESTLAKE.—That is what I was doing with the witness.

Exam. SEAL.—You have gone as far as you can, apparently.

Q. (By Mr. ROEHL.) Mr. Roberts, will you please refer to your Exhibit 7? That exhibit covers a movement from Salt Lake City, Utah, to Alturas, California, via the Western Pacific Railroad and the Nevada-California-Oregon Railroad, does it not?

A. Yes, sir.

Q. And in paragraphs numbered “b” and “c” under the heading of “Tariff Authority,”—or, in paragraphs “a,” “b” and “c” under the heading of “Tariff Authority,” [132—50] you have specified the tariffs which contained the rates on which those shipments moved, is that correct?

A. That is correct.



Q. Now, is it not a fact that N-C-O Railway Tariff 9-A is a local tariff of the N-C-O Railroad?

A. It is.

Q. Is it not a fact that the Western Pacific Railway Tariff 163-C, I. C. C. No. 216 is a local tariff of the Western Pacific Railway?

A. I think it is a local tariff.

Q. In other words, in this particular case the tariffs from which you have taken these rates are both local tariffs of these respective lines?

A. Yes, sir, that is correct.

Q. And the Nevada-California-Oregon Railway Tariff, as I understand, contained no combination rule, that is, no rule whereby the increase was applied to a joint movement?

A. That is correct, the rule which we relied upon being carried in the Western Pacific tariff.

Q. Do you know who was the consignor and the consignee of the shipments in that exhibit?

A. I cannot say definitely who were the consignors. The Standard Oil Company was the consignee.

Q. Now, can you say whether the N-C-O. Railroad paid any [133—51] claims to the Standard Oil Company for refund in the cases which you mentioned a while ago?

A. No, I couldn't say that they did.

Q. Did you ever have any ruling from the Nevada-California-Oregon Railroad which is contrary to its contention in this case?

A. No, sir, never took the matter up with the Nevada-California-Oregon Railroad. We relied en-



tirely on the tariff that published the combination rule, and the traffic officials of that line.

Q. (By Exam. SEAL.) Was the N-C-O under federal control?

Mr. ROEHL.—It was under federal control up until June 29, 1918.

Exam. SEAL.—I would like the record to show, as to these several movements, which of the lines were not under federal control. Will the defendants be able to show that?

Mr. ROEHL.—I mean to ask the Examiner's permission to introduce in the record the relinquishment from federal control of the Nevada-California-Oregon Railway, which was dated June 29, 1918.

Mr. WESTLAKE.—The Nevada Copper Belt is represented here, and we will have testimony as to that company, and also the Virginia & Truckee, and I would like leave to supply hereafter, with copies to the complainants [134—52] and for the record, the date of relinquishment of the other defendant carriers, and also the date under which they were taken under federal control.

Exam. SEAL.—You may have that permission. Can you file that within fifteen days?

Mr. WESTLAKE.—Yes, less than that.

Mr. ROEHL.—That is all.

Q. (By Mr. WESTLAKE.) One other question I wanted to ask Mr. Roberts, and that was whether or not, even though there were two increases applied, that is, the 4.5 cent increase on the federal-controlled line, and something else on the nonfederal-controlled line, the result in all cases was, was it not, that after

the 4.5 cent rate was made effective you paid less than you did before?

A. I don't quite understand that question.

(The question was read by the reporter.)

A. I don't just get the gist of that.

Exam. SEAL.—That is to say, the 4.5 cents was less than 25 per cent added to that factor?

Q. (By Mr. WESTLAKE.) Well, for instance, take your—

A. I see the point, now. You mean to say that the rate would be less even though the rate had been increased 25 per cent?

Q. Exactly. [135—53]

A. I would have to examine the tariffs to say. Just as an estimate I would say not.

Q. Now, take your exhibit here—just pick out any one here where you were paying more after your 4.5 cent increase than before.

A. You mean to say that by applying the double increase it would be higher than applying the 25 per cent increase to each factor?

Q. I say where you added your 4.5 cents flat increase, and used your 25 per cent increase on the federal-controlled line, that that was less than the 25 per cent increase to your federal rate plus the 25 per cent to your nonfederal rate?

A. It was in some instances; in others it was not—depended upon the length of the haul entirely.

Q. All right, pick out some one here where you did not pay less after the 4.5 cent rate went in than before. I think there may be only one or two instances.

A. I would have to have the tariffs involved in order to answer your question. Here is one here I see, Rochester to Colfax.

Q. That is a good one.

A. In all probability the local rate from the junction point to Colfax would be considerably greater under the 4.5 cent increase than it would under the 25 per cent increase. [136—54]

Q. But what would be your through rate.

A. In every case I think it would be found that the increasing the rate, the different factors, each factor 25 per cent, would result in a greater rate than taking the rate in effect June 24, 1918; that is, I mean the sums of the locals, and adding thereto 4.5 cents. That is what we are contending for.

Exam. SEAL.—Will this help in interpreting the tariff, this point we are raising here?

Mr. WESTLAKE.—No, I don't think it will help in the interpretation of the tariff, only these people were a great deal better off after the 4.5 cent rate was put in than they were before, even though the 4.5 cents was not limited—the increase was not limited to 4.5 cents.

Mr. ROEHL.—Even though the 4.5 cents was charged on both factors.

The WITNESS.—In answer to that I would say in so far as these shipments are concerned that might be the case; but take cases where other shipments moved, the undercharges you spoke of that might result, it would be entirely different; take for the short hauls, there would be a different result from the case of the long hauls; all depends on the

length of your haul whether the 4.5 cents was greater than the 25 per cent increase. [137—55]

Exam. SEAL.—It is all beside the point. Any other questions?

Q. (By Mr. MAHAFFIE.) Going back to your remark a while ago that as assistant traffic manager one of your duties was to allocate the charges among the various departments, do you follow that up from that point in any way?

A. I believe I either misstated that or you misunderstood me. I have supervision over that work; I don't do it myself.

Q. Then, adopting your amendment, do you follow it from that point, as to how the charges are handled by the departments to which you charge them?

A. No, we don't follow it up any further than that—to see that each department shares or assumes its share. For instance, the sales department would be charged with the freight on these shipments.

Q. Then, so far as you are concerned, you would have no knowledge as to whether the purchasing department in any way passed on that charge to somebody with whom they were dealing?

A. These shipments would be charged to the sales department, and I would have no means of knowing whether the sales department would pass the freight charges along to someone else.

Mr. MAHAFFIE.—I have to move at this time, Mr. Examiner, [138—56] that the testimony of this witness that the Standard Oil Company paid and bore these charges be stricken from the record



on the ground that it is hearsay, that his knowledge was obtained from records, not from personal knowledge, and that the witness admits he has no opportunity of knowing whether the charges were ultimately passed on or not.

Q. (By Mr. BANKS.) Aren't we in position to offer here the vouchers for these freight bills, which are backed with such charges, the rate shown, and supported by the freight bills?

A. Oh, yes.

Q. (By Exam. SEAL.) The testimony may stand subject to the objection. Any other questions? As I understand, the double advance here consisted of 4.5 cents applied to the factor over the federal-controlled line, and the 25 per cent advance published over the nonfederal-controlled line where the movement was over a controlled and a non-controlled line?

A. That was usually the case, yes.

Q. Wouldn't that always be the case?

A. Yes.

Q. The 4.5 cent advance was not published by the noncontrolled line, was it?

A. It was by some of them, yes, sir. The Pacific [139—57] Electric, for instance, carried that, and quite a number of the nonfederal lines.

Q. (By Mr. ROEHL.) Some did and some didn't. A. Some did and some did not.

Q. (By Mr. WESTLAKE.) Was the P. E. a federal-controlled line during all this period?

A. I couldn't say as to that. I think not, though. As I said before, I am not posted on what the federal



lines—it depended entirely upon the application of the rates.

Q. My Mr. ROEHL.) One question, and that is whether the 4.5 cent increase was ever published on the N-C-O Railway?

A. To my knowledge it was not.

Q. And that line never published the combination rule in its tariffs? A. It did not.

(Witness excused.)

Exam. SEAL.—Does that complete your case, Mr. Banks?

Mr. BANKS.—Yes, sir.

Exam. SEAL.—Defendants may proceed.

Mr. ROEHL.—If the Examiner please, if there is no objection from the counsel, I would like to have the commission receive in evidence a copy of a letter from Mr. John Barton Payne, dated Washington, June 29, 1918, addressed [140—58] to Mr. Charles Moran, President, Nevada-California-Oregon Railway, 68 William Street, New York, relinquishing the Nevada-California-Oregon Railway from federal control as of that date.

Exam. SEAL.—The copy will be received and marked Defendants' Exhibit 21.

(The copy of letter so offered was received in evidence, thereupon marked Defendants' Exhibit No. 21, and is forwarded herewith.)

## TESTIMONY OF P. H. COOK.

P. H. COOK was thereupon called as a witness, and having been duly sworn, testified as follows:

## Direct Examination.

Q. (By Mr. WESTLAKE.) Mr. Cook, what are your initials?     A. P. H.

Q. Your residence?     A. Mason, Nevada.

Q. What is your occupation?

A. Superintendent and traffic manager, Nevada Copper Belt Railway.

Q. For how long?     A. Seven years.

Q. Where is the Nevada Copper Belt Railroad?

A. Connects with the Southern Pacific at Wabuska, and runs to Ludwig, 37.8 miles.

Q. Entirely within the State of Nevada? [141—59]     A. Yes, sir.

Q. And during the period involved in this complaint here did you have any joint rates with the Southern Pacific Company on any of the products here involved?     A. No, sir.

Q. These rates were entirely Nevada intrastate local rates of the Nevada Copper Belt?

A. Yes, sir.

Q. Did you in your tariffs have any combination rule such as that referred to by the witness for the complainant?     A. No, sir.

Q. Did you have any reference in your tariffs to the Southern Pacific tariff or the tariff of any other railroad over which any of these shipments moved?

A. No, sir.

Q. And was the Nevada Copper Belt at any time under federal control? A. They were.

Q. What date did it go under Federal control?

A. We were notified, I think, sometime the early part of 1918, and I received notice myself early in July that we were released. Of course the order came to the Salt Lake office, and I do not know the date of the relinquishment. [142—60]

Q. But sometime in July the railroad had been released from federal control, that is, July or possibly prior to July, 1918? A. Yes, sir.

Q. And did you as of June 25, 1918, increase your rates 25 per cent? A. I did.

Q. Did you ever put in force or effect the 4.5 cent increase to which reference has been made?

A. No, sir.

Mr. WESTLAKE.—That is all.

Q. (By Mr. BANKS.) Your tariffs were filed with the Interstate Commerce Commission, were they not? A. Yes, sir.

Mr. BANKS.—That is all.

Exam. SEAL.—The witness is excused.

(Witness excused.)

### TESTIMONY OF H. L. GRIFFITH.

H. L. GRIFFITH was thereupon called as a witness, and having been duly sworn, testified as follows:

#### Direct Examination.

Q. (By Mr. WESTLAKE.) What is your name, please? A. H. L. Griffith.

Q. Where do you live, Mr. Griffith?

A. Carson City, Nevada.

Q. And your position is what? [143—61]

A. General freight agent, Virginia & Truckee Railway.

Q. How long have you been such?

A. About three years.

Q. And how long had you been connected with that railroad prior to that date?

A. About twelve years.

Q. Where is the Virginia & Truckee Railway?

A. Runs from Reno, Nevada, to Virginia City, Nevada, having a branch from Carson City, Nevada, to Minden, Nevada.

Q. Does it operate any portion of its railroad outside of the State of Nevada?     A. Does not.

Q. Was that railroad at any time under federal control?

A. I believe it was, with the other lines, from sometime in January, 1918, until June 29, 1918, or approximately that date it was released from federal control.

Q. On June 29, 1918, or approximately that date it was released from federal control?

A. Yes, sir.

Q. Now, did the Virginia & Truckee Railway in any of its tariffs publish the combination rule to which reference has been made here?

A. It did not.

Q. Or in any way refer to the tariffs of any of its connections [144—62] which might have published such a rule?     A. It did not.

Q. And were the rates which were charged in connection with the shipments involved in this complaint rates published in tariffs which were entirely local tariffs of the Virginia & Truckee Railway?

A. The factors used in making the combination rates were local rates.

Q. They were entirely local rates?

A. They were entirely local rates.

Q. Did you have any joint rates on the commodities here involved at the time here in issue— On the commodities mentioned in the complaint?

A. Did not.

Q. Did you on or about June 25, 1918, increase your rates 25 per cent in accordance with General Order No. 28? A. Yes.

Q. Did you ever publish the 4.5 cent increase?

A. No.

Q. You have always on all shipments moving to points on your line charged the local rate as shown in your tariffs on these commodities? A. Yes.

Mr. WESTLAKE.—That is all. [145—63]

Mr. BANKS.—No questions.

Exam. SEAL.—Witness excused.

(Witness excused.)

#### TESTIMONY OF C. B. ACKERMAN.

C. B. ACKERMAN was thereupon called as a witness, and having been duly sworn, testified as follows:

##### Direct Examination.

Q. (By Mr. MAHAFFIE.) Have you given your name to the reporter?



A. C. B. Ackerman, Traffic Assistant, United States Railroad Administration, headquarters at Washington, D. C.

Q. State briefly your traffic experience.

A. I have had approximately 25 years railroad experience. Most of my duties during that time had to do with freight rates and traffic matters. Is it necessary to detail all of those roads that I have been connected with?

Q. No. Have you examined the complaint here and heard the testimony in this case? A. I have.

Q. Will you, if you know, go into the situation with regard to the 4.5 cent increase in question here and its applicability?

A. Originally the rates on petroleum were advanced 25 per cent on June 25, 1918, by General Order No. 28, along with other commodities on which there were no flat or specific amounts prescribed in the order. [146—64]

It was represented to the Railroad Administration by various shippers of petroleum products throughout the United States that the effect of the 25 per cent advance disrupted long existing relationships, and they suggested that the Administration commute the 25 per cent advance to an advance of 4 cents per 100 pounds, stating that an advance of 4 cents per 100 pounds would be approximately 25 per cent over the rates in effect June 24th on all traffic.

The Railroad Administration was of the impression that 4 cents was not sufficient, and suggested an advance of 5 cents per 100 pounds, but finally

published 4.5 cents per 100 pounds, as there were no figures available other than figures for prior years.

Subsequent events justified the fears of the Railroad Administration, as it soon came to notice that traffic moved longer distances than had been the case prior to Government control, because of the war and the demand for fuel in many quarters where there had been no demand before.

In publishing the advance of 4.5 cents per 100 pounds it was never the intention to divide that advance where rates were based on locals from and to the junction points. Furthermore, there is no rule of the Commission in Tariff Circular 18-A, or any other place that I have [147—65] been able to locate, which would permit the use of rules in one tariff in connection with traffic moving over the rails of some other railroad. There are points where rates base not on junction points, but on interior points, and if we were to adopt the theory that Freight Rate Authority No. 96 required basing of rates on junction points and adding 4.5 cents to the through factor it might result in higher rates than by advancing both factors of the combination the full amount prescribed in the order. As an illustration, many times rates do not base upon the junction points, but base on an interior point, such as in connection with traffic from east of the Indiana-Illinois State Line, moving to points in Wisconsin; the junction point in many cases is Chicago, Illinois; the rates, for instance, from or to Milwaukee, Wisconsin,—in that case the lines east of Chi-

icago generally carry the Chicago rate to Milwaukee, whereas lines west of Chicago carry a lower basis of rates from Milwaukee than they do from Chicago, and if we were to apply a combination on the junction point, advancing the other factor only 4.5 cents per 100 pounds, there would be a higher rate than by basing on Milwaukee and adding to both factors the full amount prescribed in the order.

That is merely one illustration that might be encountered [148—66] if that theory would be accepted in connection with all traffic.

Mr. MAHAFFIE.—Take the witness.

Cross-examination.

Q. (By Mr. BANKS.) In the publication of these combination rules if it was the intention of the Administration to apply only in connection with lines under federal control do you or do you not think a restriction should have been published in the tariff in connection with the item restricting it?

A. It wasn't necessary, because there is no rule of the Commission which would permit a noncontrolled carrier to use the rules contained in the tariff of some other carrier unless they were a party to the tariff published by the other carrier.

Q. Is it the contention, then, that the rule,—as to federal-controlled lines only—is it the contention that that rule should be published in each of the tariffs?

A. Yes, sir, that is the contention with all rates, whether of noncontrolled or federal-controlled lines—that that rule was not applicable unless it was

contained in every tariff used in constructing the combination of rates.

Q. The fact that the rule is published in two tariffs does not give you any authority, then, to depreciate [149—67] both of the rates before adding 4.5 cents increase?

A. If two tariffs are used in constructing a combination, and the rule is contained in both tariffs, then there is a complete connection between both issues, which would authorize the application of 4.5 cents per 100 pounds higher than the rates in effect June 24, 1918.

Q. That method of constructing rates is not in compliance with the tariff requirements of the commission, is it?

A. Why, as I recall, the commission authorized the carriers to deviate from the provisions of tariff circular 18-A in publishing General Order 28.

Q. (By Mr. ROBERTS.) The United States Railroad Administration issued its Freight Rate Authority No. 96, did it not? A. Yes, sir.

Q. Is it not a fact that in instructing the carriers in regard to the publication of this 4.5 cent increase that they provided in this Freight Rate Authority No. 96 that the increase of 4.5 cents would apply as to the through movement, and not to the separate factors?

A. That is so, but Freight Rate Authority No. 96 applied only to federal-controlled lines, and furthermore, that instruction requiring the increasing of the combination factor 4.5 cents per 100 pounds was the outgrowth of Freight Rate Authority No.



10. Freight Rate Authority [150—68] No. 10 was issued in order to equalize rates in effect via different roads, where by one road there was a joint through rate which had been advanced, not prescribed in any order, or via other roads combination of rates, two factors of which were advanced the full amount prescribed in General Order 28. In order to correct that, Freight Rate Authority No. 10 went further than was intended, and was subsequently canceled.

Q. But the fact remains that in issuing Freight Rate Authority No. 96, that the Railroad Administration instructed the carriers to publish tariffs 4.5 cents per 100 pounds higher than the rates, class or commodity, effective June 24, 1918?

A. That is true.

Q. And that when charges on a continuous through movement are obtained by combination of separately established rates the increase of 4.5 cents per 100 pounds will apply to the total of such combined rates in effect June 24, 1919?

A. That was the usual instruction in Freight Rate Authority 96, but Freight Rate Authority 96 did not apply to noncontrolled carriers, in the first place; and in the second place, because of tariff applications, it was not always possible to follow instructions contained in [151—69] Freight Rate Authority 96 so far as the combination was concerned.

Q. Have you examined any of the tariffs naming the rates applicable to the shipments mentioned in this complaint?



A. I haven't examined any of the noncontrolled carriers' tariffs.

Q. Have you examined any of the tariffs published by the so-called federal lines? A. Yes, sir.

Q. That carried these combination rules?

A. Yes, sir.

Q. Did you find anything in those tariffs limiting the application of this rule to federal-controlled lines?

A. It was not necessary, as I said before. Rates are not published by negative clauses. If there is no authority for the application of the rule in connection with noncontrolled carriers, and the non-controlled carriers were not parties to the tariff then the rule would not apply.

Q. Well, then, in the absence of any restriction as to noncontrolled lines, in your judgment if this method of constructing rates could be applied to federal lines other than as concurring, then this advance could be and would be constructed—constructed, could it not, to apply [152—70] to non-federal lines as well?

A. I don't understand your question. In one place you say constructed, and in another place you say construed. If you mean that we could have made the 4.5 cents applicable in connection with noncontrolled lines, I will say we could have done so if we wanted to do so, but we did not want to do so. There was no intention of dividing the advance prescribed in General Order 28 with non-controlled lines when the noncontrolled carriers were not party to the through tariff.

Q. I don't think you understood my question. I

will amend it, if you please. In your judgment, since the tariff of the federal-controlled line which names this so-called combination rule does not limit the application of that rule to federal-controlled lines, if it can be applied to factors of a combination rate named in tariffs of other federal-controlled lines which do not carry a similar rule or are not a party to this tariff which does carry the rule, could it also be made to apply to nonfederal lines naming one of the factors, just the same as to federal lines?

A. You are speaking of a hypothetical case which did not exist. In the first place, we did not advance the combination factors the amount prescribed in the order unless the rule was contained in all tariffs used in constructing [153—71] the combination.

Q. (By Mr. BANKS.) You will find introduced in evidence a letter from Mr. Barnwell of the Railroad Administration, to that effect, and the charges were paid on that basis.

A. Yes, and that ruling was set aside by ruling from Mr. A. C. Johnson, to whom Mr. Barnwell reported.

Q. (By Mr. ROBERTS.) Mr. Johnson's letter was dated later than that of Mr. Barnwell?

A. Yes, sir.

Q. Then in your judgment would the rate, the proper rate be arrived at in conformity to the ruling of Mr. Barnwell until such time as Mr. Johnson's letter became effective?

A. I couldn't say as to that, as it is a tariff interpretation. If the tariff was improperly interpreted

at the time the charges were collected it was the duty of the carriers to properly collect the charges when they were set straight.

Q. Mr. Barnwell was duly appointed official of the Railroad Administration, was he not?

A. True.

Q. Wasn't the Railroad Administration responsible for Mr. Barnwells acts?

A. So far as those acts were in conformity with the law, as I understand. [154—72]

Mr. BANKS.—That is all.

Mr. MAHAFFIE.—That is all.

(Witness excused.)

Exam. SEAL.—Mr. Roberts, I may probably have asked you this question. It is a fact, as I understand, that the combination rule or similar rule was not published by any of these lines which were under federal control?

Mr. ROBERTS.—I think that is the fact, yes, sir. We are depending in this case entirely upon the application of the rules published in the federal lines' tariffs.

Exam. SEAL.—Do you wish to brief this case?

Mr. WESTLAKE.—Yes, sir.

Mr. ROBERTS.—Yes, sir.

Exam. SEAL.—Briefs will be due December 4, 1921. Hearing closed.

(Whereupon at 4:42 o'clock P. M. on the 4th day of November, 1921, the hearing in the above-entitled matter was closed.) [155—73]

(COMPLAINANT'S EX. No. 18 BEFORE  
I. C. C.)

COPY

UNITED STATES RAILROAD ADMINISTRA-  
TION

Division of Traffic—Western Territory  
Western Freight Traffic Committee  
Transportation Bldg., 608 So. Dearborn Street.  
July 22, 1918.

RATE ADVICE LETTER No. 38.

To Freight Traffic Officers, Railroads Under Gov-  
ernment Control, Western Territory:

FREIGHT RATE AUTHORITY No. 96.

RATES ON PETROLEUM AND PETROLEUM  
PRODUCTS.

Freight Rate Authority No. 96 of the Director  
Division of Traffic, dated July 11th, 1918, pre-  
scribes the following basis of increased rates on  
petroleum, and petroleum products classified fifth  
class in Official, Southern and Western Classifica-  
tions, in carloads; said basis to supersede the in-  
creased made effective in tariffs or supplements ef-  
fective June 25th, 1918.

Commodity—Petroleum and Petroleum Products,  
carloads, classified 5th class in Official, South-  
ern and Western Classifications.

Minimum Weight.—No change.

From—All points (See Note 2 below.)

To—All points (See Note 2 below.)

Approved rates  $4\frac{1}{2}$  cents per 100 lbs. higher than



rates (class or commodity) effective June 24th, 1918. When charges on a continuous through movement are obtained by combination of separately established rates, the increase of  $4\frac{1}{2}$  cents per 100 lbs. will apply as to the total of such combined rates in effect June 24th, 1918.

Note 1—On shipments from points in Kansas, Oklahoma and from Sugar Creek, Mo., to points east of Indiana-Illinois State Line and on and north of the Ohio River, including Maryland, Virginia and West Virginia increase above rates in effect May 25th, 1918, to the Mississippi River will be  $2\frac{1}{2}$  cents per 100 lbs. and east of the Mississippi River 2 cents per 100 lbs. above the rates in effect May 25th, 1918. Same to be provided for by proportional rates to and from Mississippi River Crossings.

Note 2.—The above does not apply in connection with rates for switching service in connection with a line haul. [156]

Effective Date.—One day's notice to the Interstate Commerce Commission and the public. The Interstate Commerce Commission has issued Special Permission #47201, dated July 18th, 1918, waiving the provisions of rules 4 (i) and 9 (e) of Commission's Tariff Circular No. 18-A. Copy of said Special Permission is attached hereto for your information and guidance.

Tariffs should be amended to conform to above at once. Same should show on title page preceding title of railroads "UNITED STATES RAILROAD ADMINISTRATION, W. G. McAdoo, Director-General of Railroads," and also show



reference to Freight Rate Authority No. 96 of the Director, Division of Traffic, dated July 11th, 1918; as provided for in said Special Permission (copy of which is hereto attached).

A. C. JOHNSON,  
Chairman. [157]

(COPY)

INTERSTATE COMMERCE COMMISSION  
Washington.

At a session of the Interstate Commerce Commission, Division 2, held at this office in Washington, D. C. on the 18th day of July A. D. 1918.

SPECIAL PERMISSION No. 47201

PETROLEUM AND PETROLEUM PRODUCTS.

The United States Railroad Administration having requested that carriers be permitted to file special supplements to tariffs in abbreviated form thereby enabling carriers to establish, in an economical and expeditious manner, rates on petroleum and petroleum products on the basis authorized by Freight Rate Authority No. 96, dated July 11th, 1918, issued by the Director, Division of Traffic; and

*It appearing*, That the Commission's rules and regulations, Tariff Circular 18-A, in subdivision (i) of Rule 4 require an explicit statement of the rates, in cents or in dollars and cents, per 100 lbs. per bbl. or other package, per ton or per car, together with the name or designation of the places from and to which they apply; in subdivision (e)

of rule 9 limit the number of, and the volume of, effective supplements to any tariff;

*It is ordered,* That the provisions of the Tariff Circular 18-A in Rules 4 (i) and 9 (e) be, and they are hereby, unless otherwise ordered, temporarily waived as to, and confined to, special supplements which contain no changes other than in the particulars hereinafter set forth; *Provided,* That no further special supplement to the same tariff shall be issued unless hereafter authorized by the Commission; and

*It is further ordered,* That carriers be, and they are hereby granted permission to file special supplements to the tariffs containing commodity rates on Petroleum and Petroleum Products, such special supplements to provide for a horizontal increase in rates on said commodities to the extent approved in said Freight Rate Authority No. 96, dated July 11th, 1918, but not otherwise.

*It is further ordered,* That such special supplement shall specifically cancel the rates on Petroleum and Petroleum Products contained in the Special supplement to the tariff which it amends, filed to become effective on June 25th, 1918.

*It is further ordered,* That all tariffs amended by special supplements herein authorized to be filed shall be reissued not later than sixty days (60) after the date upon which such special supplements are filed with the Commission, such reissues to be in full conformity with the rules and regulations of the Commission as published in its Tariff Circular 18-A.

*And it is further ordered,* That each special supplement filed under this special permission shall bear upon its title page the notation "The form of this supplement is permitted by authority of the Interstate Commerce Commission Special Permission No. 47201 of July 18th, 1918."

This special permission is void thirty (30) days from the date hereof.

By the Commission, Division 2:

(Seal)

GEORGE B. MCGINTY,

Secretary. [158]

(COMPLAINANT'S EX. No. 19 BEFORE INTERSTATE COMMERCE COMMISSION.)

UNITED STATES RAILROAD ADMINISTRATION.

W. G. McAdoo      Director General  
Division of Traffic Western Territory

San Francisco District  
Freight Committee

W. G. BARNWELL,	64 Pine Street
Chairman	Room 404
G. W. LUCE	San Francisco, Cal.
H. K. FAYE	Jan. 30, 1919.
S. H. LOVE	File DFC-1799-S-3.
F. P. GREGSON	
F. W. GOMPH,	
Secretary	

Subject: Petroleum Oil from El Segundo to East  
San Pedro, Cal.

Mr. S. G. Cassad, Traffic Manager,  
Standard Oil Co.,  
200 Bush St.,  
San Francisco.

Dear Sir:

Referring to your letter of December 9th, file D-418-2310, wherein you ask what the proper increase is for a movement of oil from a point on the A. T. & S. F. RR. to a point on the L. A. & S. L. RR., the increase of  $4\frac{1}{2}\text{¢}$  per hundred pounds per Freight Rate Authority No. 96, being in effect for the movement via the A. T. & S. F. RR., but on the L. A. & S. L. Railroad the 25% increase was still in effect, the  $4\frac{1}{2}\text{¢}$  increase on the L. A. & S. L. RR. being made effective shortly after the shipment moved.

The combination clause published by the A. T. & S. F. RR., in their tariff made applicable for the continuous through movement of shipments over lines under Federal control but one increase of  $4\frac{1}{2}\text{¢}$  per 100 pounds on Petroleum and Petroleum Products.

Where the combination clause is published in one of the tariffs containing the factors of the rate from point of origin to destination and the movement is entirely over lines under Federal control it is proper to increase the rate only  $4\frac{1}{2}\text{¢}$  per 100 pounds, disregarding the 25% increase which may still be in effect on one of the Federal controlled lines involved.

We are allowing carbons of this letter to reach interested carriers asking that arrangements be made to protect charges accordingly.

Yours truly,

W. G. BARNWELL.

[Endorsed]: I. C. C. Docket 12890. Exhibit No. 19. Witness Roberts. Date 11/4/21. Reporter Flannery. [159]

(COMPLAINANT'S EX. No. 20 BEFORE  
I. C. C.)

(COPY)

UNITED STATES RAILROAD ADMINISTRA-  
TION

Western Freight Traffic Committee.

Chicago, Ill., Nov. 28, 1919.

File F-25

SUPPLEMENT No. 9 TO REPRINT OF CIR-  
CULAR No. 3.

CANCELS SUPPLEMENT No. 8.

EXPLANATORY RULES IN CONNECTION  
WITH APPLICATION OF RATES UN-  
DER GENERAL ORDER No. 28 OF THE  
DIRECTOR-GENERAL.

To Freight Traffic Officers, Railroads under Fed-  
eral Control in Western Territory.

Reprint of Circular No. 3, dated August 1, 1918  
(interpretations of and instructions for compliance  
with General Order No. 28) is amended as follows:

COMBINATIONS ON COAL, COKE, PE-  
TROLEUM, ETC.: Refer to instructions on Page



2 of Supplement No. 1 (as amended by Sup. 5 which eliminated articles covered by Agent E. Moriss' Tariff No. 228 ICC U S 1) and add following relative to application of provision for making combination rates published in a tariff containing one factor of a combination when tariff or tariffs containing other factors to be used in the combination do not contain like provision:

Rules for making combination rates appearing in tariffs naming commodity rates on Coal, Coke, Petroleum or Sugar providing that prescribed specific advances under General Order No. 28 or Freight Rates Authority No. 96, shall be added to the separate factors as in effect June 24, 1918, will not apply in connection with carriers not shown as participating lines in the tariffs that carry such rules, in other words, if such a rule is carried in a tariff containing one of the factors, but like rule is not carried in tariff or tariffs containing the other factor or factors to the combinations, such combination rule may not be applied in connection with a carrier not a party to the tariff containing the combination rule.

A. C. JOHNSON,  
Chairman. [160]

(DEFENDANTS' EX. No. 21 BEFORE I. C. C.)  
UNITED STATES RAILROAD ADMINISTRATION.

W. G. McADOO, Director General.

Interstate Commerce Commission.

Division of Law,

John Barton Payne, General Counsel.

Washington, June 29, 1918.

Dear Sir:

Pursuant to the recommendation of the Regional Director, the Nevada-California-Oregon Railway is relinquished from Federal Control.

It will be the policy of the Railroad Administration to co-operate with the relinquished roads as to a fair division of joint rates, car supply, and, as far as may be consistent with the national needs, that there be no undue discrimination as to routing.

If you feel that hardship may result from relinquishment and desire to make a contract on fair terms, right is reserved to consider the advisability of making such a contract.

Very truly yours,

(Signed) JOHN BARTON PAYNE.

Mr. CHARLES MORAN, President,

Nevada-California-Oregon Railway,

68 William Street,

New York, N. Y. [161]

November 19, 1921.

STANDARD OIL CO. (CALIFORNIA)

vs.

DIRECTOR GENERAL et al.

I. C. C. DOCKET No. 12,890.

Mr. Robert E. Quirk,

Chief Examiner,

Interstate Commerce Commission,

Washington, D. C.

Dear Sirs:

At the hearing of the above-entitled case at San Francisco, before Examiner Seal, November 4, 1921, it was agreed that the Director General would furnish the Commission information as to the date of release from Federal control of any of the defendants found to have been released prior to the termination of Federal control. In accordance therewith I beg leave to advise you that the following-named defendants were released on the dates specified:

Amador Central Railroad Company... June 30, 1918

Holton Inter-Urban Railway Com-

pany ..... June 29, 1918

Nevada Copper Belt Railroad Com-

pany ..... June 24, 1918

Pacific Electric Railway Company.... June 26, 1918

Nevada-California-Oregon Railway... June 29, 1918

Virginia & Truckee Railway..... June 29, 1918

San Diego & Arizona Railway Com-  
 pany ..... June 29, 1918  
 Yosemite Valley Railroad Company.. June 29, 1918

Yours very truly,

JOHN F. FINERTY,  
 Assistant General Counsel.

CDM:w.

Cs: Mr. Oscar Banks,  
 Messrs. Sanborn & Roehl,  
 Hon. Milton T. Farmer,  
 James S. Moore, Jr.,  
 Mr. Elmer Westlake,  
 Mr. C. B. Stafford.

[Endorsed]: Filed 8/27/25. [162]

# DEFENDANTS' EXHIBIT No. "E."

TARIFFS CONTAINING RATES ON SHIP-  
 MENTS COVERED BY EXHIBIT No. 5  
 (IN RECORD BEFORE INTERSTATE  
 COMMERCE COMMISSION) AND TYP-  
 ICAL OF RATES COVERED BY EXHIB-  
 ITS (IN I. C. C. DOCKET 12,890) Nos. 1, 3,  
 6, 7, 8, 11, 12, 13, 14, 15, 16, 17.

Tariff Numbers.

I. C. C.-1067 R. H. Countiss Agent (1-R).  
 I. C. C.-4067, Southern Pacific (711-A).  
 I. C. C.- 13, Holton Interurban (11).

[Endorsed]: Filed 8/27/25. [163]



ONLY THREE SUPPLEMENTS TO THIS TARIFF WILL BE IN EFFECT AT ANY TIME.

**C. R. C. No. 403**

(For cancellations, see following page)

**I. C. C. No. 1067**

(For cancellations, see following page)

# UNITED STATES RAILROAD ADMINISTRATION

Director General of Railroads

## TRANS-CONTINENTAL FREIGHT TARIFF BUREAU WEST-BOUND TARIFF No. 1-R

(For cancellations, see following page)

— NAMING —

**Local, Joint, Export and Import Class Rates**

— AND —

**Local, Joint, Export, Import and Proportional  
Commodity Rates**

— FROM —

**EASTERN SHIPPING POINTS**

Designated on pages 1 to 28, inclusive,

— TO POINTS IN —

**ARIZONA**

**MEXICO**

**NEW MEXICO**

**UTAH**

**CALIFORNIA**

**NEVADA**

**OREGON**

Designated on pages 34 to 90, inclusive.

Governed, except as otherwise provided herein, by Western Classification No. 55 (I. C. C. No. 13 of R. C. Fyfe, Agent), supplements thereto or reissues thereof.

This tariff contains rates that are higher for shorter distances than for longer distances over the same route, such departure from the terms of the amended Fourth Section of the Act to Regulate Commerce is permitted by authority of Interstate Commerce Commission Orders F. S. Nos. 3136 of date August 2, 1913, 4206, 4208, 4210, 4215 and 4216 of date August 28, 1914, 4859 of date April 27, 1915, 7046 of date November 20, 1917, 7316 of date May 27, 1918, and as indicated in individual items herein.

**NOTE A.**—By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, this tariff is not made applicable FROM all intermediate points. Upon reasonable request therefor, commodity rates which will not exceed those in effect FROM the next more distant point will (under authority granted by the Interstate Commerce Commission) be established by the carriers parties to this tariff, FROM any intermediate point hereunder, upon one day's notice to the Commission and to the public.

**NOTE B.**—By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, this tariff is not made applicable TO all intermediate points. Upon reasonable request therefor, commodity rates which will not exceed those in effect TO the next more distant point will (under authority granted by the Interstate Commerce Commission) be established by the carriers parties to this tariff, TO any intermediate point hereunder, upon one day's notice to the Commission and to the public.

**NOTE C.**—Departure from the Commission's rules in the publication of alternative rate bases authorized in Item 7, page 85, is permitted until October 31, 1919, under authority of Interstate Commerce Commission Order of October 17, 1918, unless by reissue of or supplement to this tariff it is brought into conformity with the Commission's regulations at an earlier date.

**NOTE D.**—Changes which result from additions of or abandonment of stations and station facilities contained in this tariff are filed under authority of the Interstate Commerce Commission's Fifteenth Section Order No. 250 of January 8, 1918, without formal hearing, which approval shall not affect any subsequent proceeding relative thereto.

**NOTE E.**—Departure from the requirements of Rules 4(h) and 7(b) of Interstate Commerce Commission's Tariff Circular 18-A, in items making reference to this note, is permitted by Special Permission of the Interstate Commerce Commission No. 47996, dated June 21, 1919.

**ISSUED SEPTEMBER 10, 1919**

**EFFECTIVE NOVEMBER 5, 1919**

(Except as noted in individual items)  
Published (except as otherwise noted) for the Director General of Railroads and filed on thirty (30) days' notice with the Interstate Commerce Commission under Freight Rate Authority No. 12633 (or as amended) of the Director, Division of Traffic, United States Railroad Administration, dated August 27, 1919.

ISSUED BY

**R. H. COUNTESS, Agent, 608 So. Dearborn St., Chicago, Ill.**

Issued, for account of carriers under Federal control, under authority of Appointment Notice No. 2 of the Director General of Railroads of date November 29, 1918.



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## PARTICIPATING CARRIERS.

### PARTICIPATING CARRIERS (LIST A).

The following carriers under Federal control are party to this issue under authority of Appointment Notice No. 2, November 29, 1918, filed with the Interstate Commerce Commission by the Director General of Railroads.

Abilene & Southern R'y.  
Ahnapee & Western R'y.  
Akron, Canton & Youngstown R'y.  
Alabama & Vicksburg R'y.  
Alabama Great Southern R. R.  
Ann Arbor R. R.  
Arcade & Attica R. R.  
Arizona Eastern R. R.  
Arkansas Western R'y.  
Ashland Coal & Iron R'y.  
Atchison, Topeka & Santa Fe R'y.  
Atlanta & West Point R. R.  
Atlanta, Birmingham & Atlantic R'y.  
Atlantic & Western R. R.  
Atlantic City R. R.  
Atlantic Coast Line R. R.  
Augusta Southern R. R.

Baltimore & Ohio R. R.  
Baltimore & Ohio Chicago Terminal R. R.  
Baltimore, Chesapeake & Atlantic R. R.  
Baltimore Steam Packet.  
Bangor & Arroostook R. R.  
Bath & Hammondsport R. R.  
Beaumont, Sour Lake & Western R'y.  
Belt R'y of Chicago.  
Bennettsville & Cheraw R. R.  
Bessemer & Lake Erie R. R.  
Big Fork & International Falls R'y.  
Birmingham & Northwestern R'y.  
Birmingham & Southeastern R'y.  
Blue Ridge R'y.  
Boston & Albany R. R.  
Boston & Maine R. R.  
Boyne City, Gaylord & Alpena R. R.  
Brownwood North & South R'y.  
Buffalo & Susquehanna R. R.  
Buffalo, Rochester & Pittsburgh R'y.

Carolina & Northwestern R'y.  
Carolina & Tennessee Southern R'y.  
Carolina & Yadkin River F'y.  
Carolina, Clinchfield & Ohio R'y.  
Carolina, Clinchfield & Ohio R'y of South Carolina.  
Central Indiana R'y.  
Central New England R'y.  
Central of Georgia R'y.  
Central R. R. of New Jersey.  
Central Vermont R'y.  
Charles City Western R'y.  
Charleston & Western Carolina R'y.  
Chesapeake & Ohio R'y.  
Chesapeake & Ohio R'y of Indiana.  
Chesapeake Steamship.  
Chesterfield & Lancaster R. R.  
Chicago & Alton R. R.  
Chicago & Eastern Illinois R. R.  
Chicago & Erie R. R.  
Chicago & North Western R'y.  
Chicago, Burlington & Quincy R. R.  
Chicago Great Western R. R.  
Chicago, Harvard & Geneva Lake R'y.  
Chicago, Indianapolis & Louisville R'y.  
Chicago, Kalamazoo & Saginaw R'y.  
Chicago, Milwaukee & Gary R'y.  
Chicago, Milwaukee & St. Paul R'y.  
(See Exception 30, page 99.)

Chicago, Peoria & St. Louis R. R.  
Chicago, Rock Island & Gulf R'y.  
Chicago, Rock Island & Pacific R'y.  
Chicago, St. Paul, Minneapolis & Omaha R'y.  
Chicago, Terre Haute & Southeastern R'y.  
Cincinnati, Burnside & Cumberland River R'y.  
Cincinnati, Indianapolis & Western R. R.  
Cincinnati, Lebanon & Northern R'y.  
Cincinnati, New Orleans & Texas Pacific R'y.  
Cincinnati Northern R. R.  
Cleveland, Cincinnati, Chicago & St. Louis R'y.  
Clinton & Oklahoma Western R'y.  
Coal & Coke R'y.  
Colorado & Southern R'y.  
Cooperstown & Charlotte Valley R. R.  
Copper Range R. R.  
Coudersport & Port Alleghany R. R.  
Cumberland & Pennsylvania R. R.  
Cumberland Valley R. R.

Danville & Western R'y.  
Dayton & Union R. R.  
Delaware & Hudson R. R.  
Delaware & Northern R. R.  
Delaware, Lackawanna & Western R. R.  
Denison & Pacific Suburban R'y.  
Denver & Rio Grande R. R. (See Exception 45, page 99.)  
Detroit & Huron R'y.  
Detroit & Mackinac R'y.  
Detroit & Toledo Shore Line R. R.  
Detroit, Bay City & Western R. R.  
Detroit, Toledo & Ironton R. R.  
Division of Inland Waterways:  
New York-New Jersey Canal Section.  
Duluth, Missabe & Northern R'y.  
Duluth, South Shore & Atlantic R'y.  
Durham & Southern R. R.

Eastern Texas R. R.  
East Jordan & Southern R. R.  
Elgin, Joliet & Eastern R'y.  
El Paso & Southwestern System:  
El Paso & Northeastern R. R.  
El Paso & Southwestern R. R.  
El Paso & Southwestern R. R. of Texas.  
Erie R. R.  
Escanaba & Lake Superior R. R.  
Evansville & Indianapolis R. R.

Fairchild & Northeastern R. R.  
Fernwood & Gulf R. R.  
Florida East Coast R'y.  
Fort Dodge, Des Moines & Southern R'y.  
Fort Wayne, Cincinnati & Louisville R'y.  
Fort Worth & Denver City R'y.  
Fort Worth & Rio Grande R'y.  
Frankfort & Cincinnati R'y.

Gainesville Midland R. R.  
Galveston, Harrisburg & San Antonio R'y. (See Exception 60, page 99.)  
Galveston, Houston & Henderson R. R.  
Georgia R. R.  
Georgia & Florida R'y.  
Georgia, Florida & Alabama R'y.  
Georgia Southern R'y.  
Georgia Southern & Florida R'y.  
Gettysburg & Harrisburg R'y.  
Glenmora & Western R'y.  
Grand Rapids & Indiana R'y.  
Grand Trunk Lines in New England.  
Grand Trunk R'y System.  
Grand Trunk Western R'y.  
Green Northern R'y.  
Green Bay & Western R. R.  
Greenwich & Johnsonville R'y.  
Gulf & Ship Island R. R.  
Gulf, Colorado & Santa Fe R'y.  
Gulf, Mobile & Northern R. R.  
Gulf, Texas & Western R'y.

Hartford & New York Transportation.  
Hartwell R'y.  
Hawkinsville & Florida Southern R. R.  
Hocking Valley R. R.  
Houston & Brazos Valley R'y.  
Houston & Shreveport R. R.  
Houston & Texas Central R. R.  
Houston East & West Texas R'y.  
Huntingdon & Broad Top Mountain R. R.

Iberia & Vermillion R. R.  
Illinois Central R. R.  
Illinois Terminal R. R.  
Indiana Harbor Belt R. R.  
International & Great Northern R'y.  
Interstate R. R.  
Iowa & St. Louis R'y.  
Ironton R. R.

Kalamazoo, Lake Shore & Chicago R. R.  
Kalamazoo & Michigan R'y.  
Kansas City, Clinton & Springfield R'y.  
Kansas City, Mexico & Orient R. R.  
Kansas City, Mexico & Orient R. R. of Texas.  
Kansas City Southern R'y.  
Kansas Southwestern R'y.  
Kewanee, Green Bay & Western R. R.

La Crosse & Southeastern R'y.  
Lake Charles & Northern R. R.  
Lake Erie & Western R. R.  
Lake Superior & Ishpeming R'y.  
Lawrenceville Branch R'y.  
Lehigh & Hudson River R'y.  
Lehigh & New England R. R.  
Lehigh Valley R. R.  
Litchfield & Madison R'y.

▲See Absorption Notice I. C. C. No. 2 of the Grand Trunk Lines in New England, dated October 14, 1918.



# PARTICIPATING CARRIERS—Continued.

## LIST A—Concluded.

Long Island R. R.  
Lorain & West Virginia R'y.  
Lorian, Ashland & Southern R. R.  
Los Angeles & Salt Lake R. R.  
Louisiana & Arkansas R'y.  
Louisiana Railway & Navigation.  
Louisiana Southern R'y.  
Louisiana Western R. R.  
Louisville & Nashville R. R.  
Louisville Bridge & Terminal.  
Louisville, Henderson & St. Louis R'y.

Macon, Dublin & Savannah R. R.  
Maine Central R. R.  
Manchester & Oneida R'y.  
Manistee & Northeastern R. R.  
Manistique & Lake Superior R. R.  
Marquette & Bessemer Dock & Navigation.  
Maryland & Pennsylvania R. R.  
Maryland, Delaware & Virginia R'y.  
Maxton, Alma & Southbound R. R.  
Memphis, Dallas & Gulf R. R.  
Meridian & Memphis R'y.  
Michigan Central R. R.  
Midland Valley R. R.  
Mineral Range R. R.  
Minneapolis & St. Louis R. R.  
Minneapolis, St. Paul & Sault Ste. Marie R'y. (See Exception 77, page 100.)

Minnesota & International R'y.  
Mississippi Central R. R.  
Missouri & North Arkansas R. R.  
Missouri, Kansas & Texas R'y.  
Missouri, Kansas & Texas R'y of Texas.  
Missouri, Oklahoma & Gulf R. R.  
Missouri, Oklahoma & Gulf R. R. of Texas.  
Missouri Pacific R. R.  
Mobile & Ohio R. R.  
Monongahela R'y.  
Montpelier & Wells River R. R.  
Morgan's Louisiana & Texas Railroad & Steamship.  
Morgantown & Kingwood R. R.  
Munising, Marquette & Southeastern R'y.

Nashville, Chattanooga & St. Louis R'y.  
Natchez & Southern R'y.  
New England Steamship.  
New Iberia & Northern R. R.  
New Jersey & New York R. R.  
New Jersey, Indiana & Illinois R. R.  
New Orleans & Northeastern R. R.  
New Orleans Great Northern R. R.  
New Orleans, Texas & Mexico R'y.  
New York & Long Branch R. R.  
New York Central R. R.  
New York, Chicago & St. Louis R. R.  
New York, New Haven & Hartford R. R.  
New York, Ontario & Western R'y.  
New York, Philadelphia & Norfolk R. R.  
New York, Susquehanna & Western R. R.  
Norfolk & Western R'y.

Norfolk Southern R. R.  
Northern Alabama R'y.  
Northern Ohio R'y.  
Northern Pacific R'y.  
Northwestern Pacific R. R.

Ocean Steamship of Savannah.  
Old Dominion Steamship.  
Orange & Northwestern R. R.  
Oregon Short Line R. R. (See Exception 80, page 101.)

Panhandle & Santa Fe R'y.  
Paris & Great Northern R. R.  
Paris & Mt. Pleasant R. R.  
Pennsylvania R. R.—Eastern Lines.  
Pennsylvania R. R.—Western Lines.  
Peoria R'y Terminal.  
Pere Marquette R. R.  
Philadelphia & Reading R'y.  
Pickens R. R.  
Piedmont & Northern R'y.  
Pittsburgh & Lake Erie R. R.  
Pittsburgh & Shawmut R. R.  
Pittsburgh & West Virginia R'y.  
Pittsburgh, Chartiers & Youghiogheny R'y.  
Pittsburgh, Cincinnati, Chicago & St. Louis R. R.  
Pittsburgh, Lisbon & Western R. R.  
Pontiac, Oxford & Northern R. R.

Quannah, Acme & Pacific R'y.  
Quincy, Omaha & Kansas City R. R.

Raleigh & Charleston R. R.  
Randolph & Cumberland R'y.  
Rapid R. R., The.  
Richmond, Fredericksburg & Potomac R. R.  
Rio Grande, El Paso & Santa Fe R. R.  
Rockingham R. R.  
Rock Island Southern R'y.  
Roscoe, Snyder & Pacific R'y.  
Rutland R. R.

St. Johnsbury & Lake Champlain R. R.  
St. Joseph & Grand Island R'y.  
St. Louis, Brownsville & Mexico R'y.  
St. Louis, Kennett & Southeastern R. R.  
St. Louis Merchants Bridge Terminal R'y.  
St. Louis-San Francisco R'y.  
St. Louis, San Francisco & Texas R'y.  
St. Louis Southwestern R'y.  
St. Louis Southwestern R'y of Texas.  
Salina Northern R. R.  
San Antonio & Aransas Pass R'y.  
San Antonio, Uvalde & Gulf R. R.  
Savannah & Atlanta R'y.  
Seaboard Air Line R'y.  
Southern Pacific R. R. (See Exceptions 95, 100, 105 and 110, pages 100 and 101.)  
Southern Pacific Steamship Line.  
Southern R'y.

Southern R'y in Mississippi.  
South Georgia R'y.  
South Manchester R. R.  
Spokane, Portland & Seattle R'y.  
Staten Island Rapid Transit R'y.  
Sunset Railway.  
Susquehanna & New York R. R.

Tallulah Falls R'y.  
Tampa Northern R. R.  
Tennessee, Alabama & Georgia R. R.  
Tennessee Central R. R.  
Terminal R. R. Ass'n of St. Louis.  
Texarkana & Fort Smith R'y.  
Texas & New Orleans R. R.  
Texas & Pacific R'y.  
Texas Midland R. R.  
Tidewater Southern R'y.  
Toledo & Ohio Central R'y.  
Toledo, Peoria & Western R'y.  
Toledo, St. Louis & Western R. R.  
Toledo Terminal R. R.  
Trinity & Brazos Valley R'y.

Union Pacific R. R. (See Exception 127, page 101.)  
Union R'y (Memphis, Tenn.).

Valley R. R. of Virginia.  
Vicksburg, Shreveport & Pacific R'y.  
Virginian R'y.

Wabash R'y.  
Washington & Vandemere R. R.  
Washington Southern R'y.  
Waterloo, Cedar Falls & Northern R'y.  
Watertown & Sioux Falls R'y.  
Waupaca, Lakeview & Bay R'y.  
Weatherford, Mineral Wells & Northwestern R'y.  
Western & Atlantic R. R.  
Western Allegheny R. R.  
Western Maryland R'y.  
Western Pacific R. R. (See Exception 135, page 101.)  
Western R'y of Alabama.  
West Jersey & Seashore R. R.  
West Shore R. R.  
West Side Belt R. R.  
Wheeling & Lake Erie R. R.  
White River R. R. (Vermont).  
Wichita Falls & Northwestern R'y.  
Wichita Valley R'y.  
Wiggins Ferry.  
Wilkes-Barre & Eastern R. R.  
Williams Valley R. R.  
Winston-Salem Southbound R'y.  
Wood River Branch R. R.  
Wrightsville & Tennille R. R.

Yazoo & Mississippi Valley R. R.

Zanesville & Western R'y.







## PARTICIPATING CARRIERS—Continued.

## PARTICIPATING CARRIERS (LIST B).

The following carriers not under Federal control are party to this issue under power-of-attorney or the form and number of concurrence opposite name of carriers.

NAME OF CARRIER	Powers of Attorney issued to R. H. Countiss as Agent and Attorney and filed with the Interstate Commerce Commission (Except as noted)	NAME OF CARRIER	Powers of Attorney issued to R. H. Countiss as Agent and Attorney, and filed with the Interstate Commerce Commission (Except as noted)
	FX1-No. (Except as noted)		FX1-No. (Except as noted)
Aberdeen & Rockfish R. R.	20	Chicago, West Pullman & Southern R. R.	7
Alexandria & Western R'y	3	Clarendon & Pittsford R. R. Co. (See Exception 35, page 99)	10
Anthony & Northern R'y Co.	6	Cliffside R. R. Co.	6
Aransas Harbor Terminal R'y	6	Clinton, Davenport & Muscatine R'y Co.	9
Arizona & New Mexico R'y Co.	20	(See Exception 40, page 99)	9
Arkansas Southern R. R. Co.	7	Clyde Steamship Co.	22
Arkansas & Louisiana Midland R'y Co.	51	Colorado & South-Eastern R. R.	21
Atlanta & St. Andrews Bay R'y.	*FX7-No. 32	Colorado & Wyoming R'y	7
Baltimore & Eastern Shore Transportation Co.	5	Colt's Express Co.	3
Bamberg, Ehrhardt & Walterboro R'y.	14	Columbia, Newberry & Laurens R. R.	30
Bauxite & Northern R'y	6 (Cor.)	Cornwall R. R. Co.	23
Benton Transit Co.	37	Crittenden R. R.	2
Birmingham & Atlantic R. R. Co. (Geo. R. Williams, Receiver)	23	Crosby Transportation Co.	9
Birmingham Southern R. R. Co.	12	Crowley Launch & Tugboat Co.	2
Bloomsburg & Sullivan R. R. Co.	21	Dansville & Mt. Morris R. R. (A. S. Murray, Jr., Receiver)	23
Boston & Gloucester Steamboat Co.	21	Dayton, Toledo & Chicago R'y Co.	6
Boston & Maine R. R. (in Canada) (J. H. Hustis, Receiver)	*FX8-No. 13	Deering Southwestern R. R.	10
Brimstone R. R. & Canal Co.	4	De Queen & Eastern R. R. Co.	9
Bullfrog-Goldfield R. R. (See Exception 125, page 101)	6	Doniphan, Kensett & Searcy R'y	9
Bush Line (Geo. W. Bush & Sons Co.)	14	Duluth, Winnipeg & Pacific R'y (See Exception 50, page 99)	W-7
Bush Terminal R. R. Co.	38	Durham & South Carolina R. R. Co.	16
Butler County R. R. Co.	9		
Cairo, Truman & Southern R. R. Co.	6	Eastern Steamship Lines, Inc.	11
Cambria & Indiana R. R. Co.	6	Eastport Transport Co.	4
Canadian National Railways (Lines West- fort, Armstrong, Ont., and East thereof)	E-3	East Tennessee & Western North Carolina R. R.	21
Canadian National R'y's (Lines Port Arthur, Armstrong, Ont., and West thereof)	W-7	Edgemoor & Manetta R'y	9
Canadian Pacific Car & Passenger Transfer Co., Ltd.	3	El Dorado & Wesson R'y Co.	6
Canadian Pacific R'y.	31	E. V. Rideout Co.	5
Carrollton & Worthville R. R. Co.	22		
Catskill & New York Steamboat Co., Ltd. (Charles M. Englis, Eben E. Olcott and Edward J. Dowling, Receivers)	35	##Fairport, Painesville & Eastern R. R. (See Exception 52, page 99)	11
Cedar Rapids & Iowa City R'y	13	Fonda, Johnstown & Gloversville R. R. Co.	18
Central California Traction Co.	7	Fordyce & Princeton R. R.	5
Central-Hudson Steamboat Co.	6	Fort Smith & Western R. R. Co. (Arthur L. Mills, Receiver)	11
Central Vermont R'y (in Canada)	15	Fourche River Valley & Indian Territory R'y	8
Central R'y of Arkansas	3 (Cor.)	Franklin & Abbeville R'y Co. (See Excep- tion 55, page 99)	10
Catahouche Valley R. R.	11	Fresno Interurban R'y.	4
Chester Shipping Co.	1		
Chestnut Ridge R'y Co.	15	Galesburg & Western R. R. Co.	38
Chicago & Illinois Midland R'y	18	Georgia Southwestern & Gulf R. R.	32
Chicago & Illinois Western R. R.	9	Goodrich Transit Co.	41
Chicago & South Haven Steamship Co.	5		
Chicago, Racine & Milwaukee Line.	38		

\*Issued to carriers for which R. H. Countiss is Agent and Attorney.

N. B.—For Explanation of other Characters, see page 93.



## PARTICIPATING CARRIERS—Continued.

## LIST B—Continued.

NAME OF CARRIER	Powers of Attorney issued to R. H. Countiss as Agent and Attorney and filed with the Interstate Commerce Commission (Except as noted)	NAME OF CARRIER	Powers of Attorney issued to R. H. Countiss as Agent and Attorney, and filed with the Interstate Commerce Commission (Except as noted)
	FX1-No. (Except as noted)		FX1-No. (Except as noted)
Gould Southwestern R'y Co. (W. H. Roberts, Receiver)	8	Langcaster & Chester R'y	28
Grafton & Upton R. R. Co.	26	L'Anguille River R'y Co.	3
Graham & Morton Transportation Co. (The Michigan Trust Co., Receivers)	28	Laurinburg & Southern R. R. Co.	14
Grand Rapids, Grand Haven & Muskegon R'y	7 (Cor.)	Lawndale R'y & Industrial Co.	10
Grand Trunk Railway System (Lines East of Detroit and St. Clair Rivers)	17	Leavenworth & Topeka R. R. Co.	5
Great Northern Pacific Steamship Co. (See Exception 70, page 100)	1	Little Rock, Maumelle & Western R. R.	10
Great Western R'y Co.	12	Louisiana & North West R. R. (Geo. W. Hunter, Receiver)	14
Gulf & Sabine River R. R. Co. (Fullerton Division)	10	Louisiana & Pacific R'y Co.	27
Gulf, Florida & Alabama R'y Co. (John T. Steele, Receiver)	16	Louisiana & Pine Bluff R'y Co.	7
Hagerstown & Frederick R'y Co.	28	Lufkin, Hemphill & Gulf R'y Co.	6
Hardwick & Woodbury R. R.	2	Macon & Birmingham R'y Co. (H. W. Miller, Receiver)	34
* Harlem & Morrisania Transportation Line		Maine Central R. R. (in Canada)	▲FX3-No. C-10
Havana, Parkin & Northern R'y	10	Maine Coast Co.	14
Hill Steamboat Line	13	Mallory Steamship Co.	48
Hoboken Manufacturers' R. R.	30	Mansfield R'y & Transportation Co.	8
Hudson Navigation Co.	62	Manufacturers' R'y	10
Illinois Northern R'y	37	Marinette, Tomahawk & Western R. R. Co.	4
Illinois Southern R'y (William W. Wheelock, Receiver)	21	Marion R'y Corporation	29
Inter-Urban R'y Co.	26	Mason City & Clear Lake R'y Co.	15
Iowa Southern Utilities Co.	9	Michigan Central R. R. (in Canada)	▲FX7-No. 5
Jonesboro, Lake City & Eastern R. R.	7	#Michigan R'y Co.	10
Kanawha, Glen Jean & Eastern R. R. Co.	11	#Michigan R. R. Co.	9
Kane & Elk R. R. Co.	13	Middlesex Transportation Co.	8 (Cor.)
Kansas City & Memphis R'y Co. (J. E. Felker and E. C. Bright, Receivers)	1	Mineral Point & Northern R'y Co.	9
Kansas City, Kaw Valley & Western R'y Co.	6	Minneapolis, Northfield & Southern R'y	15
Kansas City Northwestern R. R. (L. S. Cass, Receiver)	14	Mississippi River & Bonne Terre R'y	12
Kinder & Northwestern R. R. Co. (See Exception 75, page 100)	19	Modesto & Empire Traction Co.	7
Lackawanna & Wyoming Valley R. R. Co.	31	Montour R. R. Co.	36
Lake Erie & Northern R'y	10	Morenci Southern R'y Co.	5
Lakeside & Marblehead R. R. Co.	28	Morristown & Erie R. R.	20
		Moshasuck Valley R. R.	18
		Mt. Jewett, Kinzua & Rittersville R. R. Co.	12
		Muscatine, Burlington & Southern R. R. Co.	9
		Nevada-California-Oregon R'y	6
		Nevada Northern R'y	2
		Newark Express & Transportation Co.	9
		New Mexico Central R'y Co.	11
		New York & Hastings Steamboat Co.	4
		New York & New Jersey Steamboat Co.	6
		New York Central R. R. (in Canada)	▲FX3-N. Y. C. No. 5
		New York, Westchester & Boston R'y Co.	10
		Norfolk & Washington (D. C.) Steamboat Co.	16
		North & East River Steamboat Co.	4
		Northern Michigan Transportation Co.	36
		North Louisiana & Gulf R. R. Co.	8

◆ELIMINATED. Not a common carrier.

\*Published for the Director General of Railroads under authority of Section 2 of Circular No. 1-B of the Director, Division of Traffic, United States Railroad Administration, dated February 1, 1919. See Note D on title page hereof.

▲Issued to carriers for which R. H. Countiss, is Agent and Attorney.

#For Explanation see page 93.





## PARTICIPATING CARRIERS—Concluded.

## LIST B—Concluded.

NAME OF CARRIER	Powers of Attorney issued to R. H. Countiss as Agent and Attorney and filed with the Interstate Commerce Commission (Except as noted)	NAME OF CARRIER	Powers of Attorney issued to R. H. Countiss as Agent and Attorney, and filed with the Interstate Commerce Commission (Except as noted)
	FX1-No. (Except as noted)		FX1-No. (Except as noted)
Oakdale & Gulf R'y Co. ....	8	Southwestern R'y Co. A. C. Parks, Receiver) .....	20
Oakland, Antioch & Eastern R'y .....	5	Stanley, Merrill & Phillips R'y Co. ....	8
Ocala Southern R. R. Co. (M. W. Garbutt, J. A. J. Henderson and J. F. Gray, Receivers) .....	20	Starin New Haven Line .....	9
Oklahoma, New Mexico & Pacific R'y Co. ....	3	Stewartstown R. R. ....	3
Okmulgee Northern R'y .....	4	*Stones Express, Incorporated .....	11
Orangeburg R'y (C. E. Denniston, Receiver) .....	11	Sugar Land R'y Co. ....	11
Ouachita Valley R'y Co. ....	7		
Pacific Electric R'y Co. (See Exception 85, page 100) .....	12	Texas City Terminal Co. ....	17
Pacific Steamship Co. ....	5	Texas Mexican R'y Co. ....	16
Pascagoula Moss Point Northern R. R. ....	▲FX7-No. 2	Texas, Oklahoma & Eastern R. R. ....	2
Peninsular & Occidental Steamship Co. ....	8	Texas Short Line R'y Co. ....	13
Peninsular R'y Co. (See Exception 90, page 100) .....	5	Texas South-Eastern R. R. Co. ....	110
Pere Marquette Line Steamers .....	49	Texas State R. R. ....	6
Pere Marquette R. R. (in Canada) .....	▲FX8-No. 16	Thornton & Alexandria R'y Co. ....	5
Petaluma & Santa Rosa R. R. Co. ....	3	Tionesta Valley R'y Co. ....	21
Pittsburg, Shawmut & Northern R. R. Co. (Frank Sullivan Smith, Receiver) .....	20	Tonopah & Goldfield R. R. (See Exception 125, page 101) .....	4
Port Chester Transportation Co. ....	13	Tonopah & Tidewater R. R. (See Exception 125, page 101) .....	7
Prattsburgh R'y Corporation .....	10	Toronto, Hamilton & Buffalo R'y .....	29
Prescott & Northwestern R. R. Co. ....	3	Tremont & Gulf R'y .....	13
		Trenton Transportation Co. ....	11
		Tucson, Cornelia & Gila Bend R. R. Co. ....	2
Rahway Valley Co. ....	5	Unadilla Valley R'y .....	15
Raritan River R. R. Co. ....	29	Union & Glen Springs R. R. Co. ....	10
Red River & Gulf R. R. Co. ....	16	Union Point & White Plains R. R. ....	▲FX7-No. 9
Reynoldsville & Falls Creek R. R. ....	19		
Rhode Island Company (Frank H. Swan, Theodore Francis Green, Zenas W. Bliss, Receivers) .....	20	Visalia Electric R. R. Co. (See Exception 130, page 101) .....	9
Rio Grande & Eagle Pass R'y Co. ....	D-12		
Roanoke R'y Co. ....	6	Wabash R'y (in Canada) .....	▲FX7-No. 21
Rutland R. R. (in Canada) .....	▲FX8-No. 16	Ware Shoals R. R. ....	11
		Warren & Ouachita Valley R'y Co. ....	14
Sacramento Northern R. R. ....	4	Warren, Johnsville & Saline River R. R. ....	2
St. Louis & Hannibal R. R. Co. ....	4	Warrenton R. R. Co. ....	8
St. Louis, El Reno & Western R'y Co. (Arthur L. Mills, Receiver) .....	10	Washington, Baltimore & Annapolis Electric R. R. Co. ....	14
Salt Lake & Utah R. R. ....	7	Washington, Brandywine & Point Lookout R. R. Co. ....	2
San Diego & Arizona R'y Co. ....	11	Wilkes-Barre & Hazelton R'y Co. ....	16
Sand Springs R'y Co. ....	8	Wisconsin & Michigan R. R. Co. (S. N. Harrison, Receiver) .....	C-1
Sandy River & Rangeley Lakes R. R. ....	9	Wisconsin & Northern R. R. Co. ....	7
Santa Maria Valley R. R. ....	1	Wright & Cobb Transportation Co. ....	4
Saugerties & New York Steamboat Co. ....	8		
①Sidell & Olney R. R. Co. ....	37	Youngstown & Ohio River R. R. ....	23
South Brooklyn R'y Co. ....	A-3		
Southern Pacific R. R. Co. of Mexico .....	5		
Southern Steamship Co. ....			

▲ELIMINATED. Ceased operation.

①For Explanation, see page 93.

\*Issued under authority of and in compliance with order of Interstate Commerce Commission in Case No. 7244 of January 12, 1918. Must be maintained for a period of two years from March 15, 1918.

▲Issued to carriers for which R. H. Countiss is Agent and Attorney.



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## Index of Articles for which Commodity Rates are provided on pages 94 and 148 to 392, inclusive.

ARTICLES	Item No.	ARTICLES	Item No.	ARTICLES	Item No.
Packing, raw-hide.....	2575	Paper, crepe.....	2705	Pectin, fruit.....	2760
Packing, rubber.....	1815	Paper, deadening.....	2685, 2715	Pectin, vegetable.....	2760
Packing, rubber and canvas.....	1815	Paper, detail manila.....	2655, 2720	Pedestals, floor, cash register.....	670, 675
Packing, soapstone.....	2575	Paper, drawing.....	2655, 2730	Peel, citron.....	1235
Packing, straw.....	2570, 2575	Paper, emery.....	1590, 1595	Peel, lemon.....	1235
Padding, table, quilted cotton.....	1020	Paper, flint.....	1590, 1595	Peel, orange.....	1235
Pads, collar.....	1695	Paper, fly.....	2675, 2695	Peels, bakers'.....	3755, 4538
Pads, cotton.....	1000	Paper, fruit.....	2645, 2650, 2655, 2730, 4442	Pelts, goat.....	1775
Pads, harness.....	1695	Paper, gummed.....	2675, 2695	Pelts, sheep.....	1775, 4612
Pads, horseshoe.....	2610	Paper, indented, 2650, 2665, 2715, 3040, 4444, 4482		Pelts, sheep, green.....	1770
Pads, sweat.....	1695	Paper, insect.....	2675, 2695	Pens, stable.....	2170
Pads, table, quilted cotton.....	1020	Paper, insert.....	2685	Pepper.....	3245
Pails, sheet iron or steel.....	3400	Paper, insulating.....	2695, 2715	Pepper Sauce, 41, 620, 2765, 4040, 4042, 4044, 4753	
Pails, paper.....	2660, 3755, 4538	Paper, lace.....	2705	Peppers, green.....	1265
Pails, pulpboard.....	2680	Paper, ledger.....	2655, 2725	Peppers, pickled.....	2765
Pails, sheet iron.....	3400, 3405	Paper, lincrusta walton.....	2710	Periodicals, paper-bound.....	2640
Pails, tin.....	3360, 3365, 4524	Paper, linen.....	2655, 2725	Personal effects (with household goods).....	1820, 4232, 4764
Pails (with mop wringer attachment).....	3755, 4538	Paper, lithographed, book binding, 2655, 2675		Pestles, iron.....	1560
Pails, wooden or fibre.....	3755, 4538	Paper, monotype.....	2650, 2655, 2675, 2695	Petroleum Products.....	2550, 4640, 4642
Pails, woodpulp.....	2660	Paper, news.....	2655, 2730	Pews, church.....	1360, 1194, 4196, 4198
Paint, as described in, 2615 to 2635, incl., 4440		Paper, poster.....	2655, 2730	Phosphate, tri-sodium.....	905
Paint, chemical, dry.....	2620, 2630	Paper, ribbon.....	2685	Pianos.....	2455, 2460
Paint, chemical, in oil.....	2620, 2630	Paper, sand.....	1590, 1595	Pianos, automatic.....	2455
Paint, earth, dry.....	2620, 2630, 4440	Paper, scrap (or waste).....	2220	Pianos, mechanical.....	2455
Paint, earth, in oil.....	2620, 2630	Paper, shelf.....	2650, 2720	Pianos (with household goods), 1820, 4232, 4764	
Paint, lead and zinc, combined, dry, 2620, 2630		Paper, stamped, decorating.....	2705	Pickarons.....	1635, 1650
Paint, lead and zinc, combined, in oil.....	2620, 2630	Paper, tailors' pattern, 2645, 2655, 2730, 4442		Pickles.....	2765
Paint, lead, in oil.....	2620, 2630	Paper, tissue.....	2645, 2650, 2730, 4442	Pickles, canned, 41, 620, 4040, 4042, 4044, 4758	
Paint, lithopone.....	2620, 2630	Paper, toilet.....	2650, 2700, 2720, 2735	Pickle, kraut.....	2765
Paint, mineral, dry.....	2620, 2630	Paper, veneering.....	2710	Picks.....	1635, 1640
Paint, mineral, in oil.....	2620, 2630	Paper, wall.....	2710	Picks, ice.....	1625
Paint, prepared, in oil.....	2620, 2630	Paper, wrapping, 2645, 2650, 2655, 2695, 2730, 2745, 4442		Picrates.....	1, 1125
Paint, zinc, dry.....	2620, 2630	Paper, writing.....	2655, 2675, 2725	Pieces, leather.....	2235 to 2250, incl.
Pajamas, linen or cotton.....	855	Paperetries.....	2675, 2695	Pigs' feet, 2580, 2585, 4426 to 4436, incl.	
Pans, agitators.....	39, 4408	Parers, apple.....	1555	Pigs' feet, pickled.....	4660, 4782
Pans, amalgamating.....	39, 4408	Parers, peach.....	1555	Piling, iron or steel, 2175, 4340 to 4354, incl., 4374, 4376	
Pans, clean-up.....	39, 4408	Paris Green.....	1850, 1855	Pillow cases, cotton.....	1000
Pans, dripping.....	3400, 3410, 4790	Partitions, rolling door.....	975	Pillows, feather.....	1145
Pans, drip, water cooler.....	3665	Partitions, store.....	1400, 4206, 4208, 4210	Pimentos, canned, 41, 620, 4040, 4042, 4044, 4758	
Pans, drip, with tanks.....	2195	Partitions, urinal stall, iron or steel, 2810		Pineapples.....	1245, 4606
Pans, frying.....	3405	Partitions, vault, iron.....	2215	Pinch bars.....	1095
Pans, gem, cast-iron.....	1780	Partitions, water closet stall, iron or steel.....	2810	Pinions.....	1095
Pans, ice.....	3400	Parts, agricultural implement, as described in.....	365, 4004, 4750	Pins.....	1025, 1110, 2995
Pans, iron, galvanized.....	3	Parts, automobile, metal.....	3635	Pins, belaying.....	3170, 3175
Pans, long, cast-iron.....	1780	Parts, bed, brass, iron or steel.....	575	Pins, clothes.....	870, 3755, 4538
Pans, mining.....	3400, 3410	Parts, cash register.....	670, 675	Pins, cross arm.....	1070, 4144, 4146
Pans, sauce, cast-iron.....	1780	Parts, cultivator, iron or steel.....	365	Pins, dowel.....	1330, 3755, 4538
Pans, settler.....	39, 4408	Parts, dredging machine, as described in.....	980	Pins, escutcheon.....	1553
Pans, tire tube testing, galvanized iron.....	3400	Parts, farm wagon.....	4750	Pins, hair, wire.....	1025
Pans, vacuum.....	2360	Parts, orchard heater.....	3400	Pins, pole.....	1110
Pans, wash.....	3405	Parts, plow (iron or steel).....	365	Pins, railway.....	2995, 3000, 4474, 4476
Pans, wash, sheet iron or steel.....	3400	Parts, sewing machine.....	3155, 3160	Pins, rolling, wooden or fibre.....	3755, 4538
Pants, cotton.....	845	Parts, storage battery.....	1065	Pins, tent.....	3350
Paper and Articles of Paper, as described in, 2640 to 2745, incl., 4442, 4444, 4672		Parts, stove.....	1725, 4224, 4790	Pipe, brass, bronze or copper.....	570
Paper, abrasive.....	1590, 1595	Parts, talking machine.....	3320	Pipe, cast iron, 2125, 2995, 3000, 4326 to 4354, incl., 4346 to 4364, 4766, 4776	
Paper, adding machine, 2650, 2655, 2675, 2695		Parts, typewriter.....	3545	Pipe, chimney.....	790, 800, 805
Paper, blotting.....	2650, 2720	Parts, vehicle, as described in, 3635, 3640, 3642, 3645		Pipe, conductor, iron, 2035, 2040, 4292, 4294	
Paper, bond.....	2655, 2725	Parts, windmill.....	4750, 4752	Pipe, conductor or riveted.....	39, 4408
Paper, book.....	2655, 2720, 2730	Paste, adhesive.....	1830 to 1845, incl.	Pipe, conduit, iron or steel.....	4772
Paper, building, asbestos.....	430, 4014	Paste, almond.....	910, 4126	Pipe, corrugated, iron, 2035, 2040, 4292, 4294	
Paper, building.....	2665, 3040, 4444, 4482	Paste, flour, dry.....	1830 to 1845, incl.	Pipe, culvert, iron or steel.....	2040, 4294
Paper, carborundum.....	1590, 1595	Paste, Italian.....	2345	Pipe, iron, 1705, 2225, 2360, 4410, 4412, 4414	
Paper, check, for cash registers, 2650, 2655, 2675, 2695		Paste, tooth.....	995	Pipe, iron or steel, 39, 2040, 4276, 4294, 4408	
Paper, cigarette.....	2675, 2695	Pasteurizers, beer, 2355, 4400 to 4406, incl.		Pipe, lock bar, iron.....	2040, 4294
Paper, cloth.....	2685	Peanuts.....	2750, 4674	Pipe, riveted, iron.....	2040, 4294
Paper, cloth-lined.....	2675, 2695	Peas, dried.....	1225, 4548	Pipe, sewer.....	820, 4104, 4106
Paper, corrugated, 2650, 2665, 2715, 3040, 4444, 4482		Peasies.....	1635, 1650	Pipe, spiral-seam, iron.....	2040, 4294
Paper, cover.....	2655, 2720	Pebbles, grinding, 2375, 4416, 4592, 4594, 4596			



## POINTS FROM WHICH RATES NAMED HEREIN APPLY—Continued

RATES  
APPLICABLE

## OHIO—Concluded:

Mentor (Wood Co.)	Neapolis	Pettisville	Scott	Stockton	Versailles
Mercer	Neowash	Pikeville	(Van Wert Co.)	Stock Yards	Wagon Works
Mermull	New Bavaria	Piqua	Sedamsville	Stokes	Walbridge
Miami	New Bremen	Piqua Jct.	Seven Mile	Stoney Ridge	Waldner
Miamisburg	Newburg	Pittsburg	Shaker	Storrs	Walnut Hills
Miami City	(Hamilton Co.)	Plaza	Crossing	(Hamilton Co.)	Wapakoneta
Miami Siding	New Carlisle	Pleasant Bend	Shandon	Strakers	Water Purifica- tion Works
Miamiville	New Hope	Pleasant Hill	Sharonville	Stryker	Waterville
Michigan	(Prestle Co.)	Pleasant Ridge	(Hamilton Co.)	Sugar Grove	Wauseon
Central Jct.	Newkirk	Post Town	Shasta	(Miami Co.)	Waynesville
Middlepoint	New Madison	Point Isabelle	Sheleys	Sugar Ridge	Weavers
Middletown	New Paris	Portage	Sherwood	Summit	Webbs
Middletown Jct.	New Riegel	(Wood Co.)	(Defiance Co.)	(Hamilton Co.)	Wengerlawn
Miles Switch	New Weston	Port Union	Shillito	Swanders	West Alexan- dria
Millford	Ney	Prairie Depot	Street	Swanton	West Carrol- ton
Millbury	Norris	Pratts	Sidney	Sylvania	West Chester
Millers City	(Wood Co.)	(Hancock Co.)	Silver Creek	Synames	West Leipsic
Millersville	North	Prentiss	(Hardin Co.)	Tadmor	West Liberty
Mill Grove	Baltimore	(Putnam Co.)	Silver Lake	Tama	West Man- chester
(Warren Co.)	North Bend	Pulaski	(Logan Co.)	Terra Alta	West Milton
Milwomson	North Creek	Quincy	Silverton	Terrace Park	Westminster
Milton	North Excello	Rapid Run	Simms	Thackery	Weston
(Wood Co.)	Norwood	Rawson	Simonson	The Bend	West Side
Mina	Norwood	Reading	Slater	Tiffin	West Sonora
Minster	Heights	Red Bank	(Auglaize Co.)	Tippecanoe	West Toledo
Moats	Norwood Park	Remington	City	Toledo	West Unity
Moffits	Oak Harbor	Rendcomb Jct.	Smith Street	Toledo	Westville
Moline	Oakland	Rialto	Snyderville	Tipton	(Wyandot Co.)
Monclova	(Warren Co.)	Richards	Somerville	Toledo	White Water Park
Monroe	Oakley	Richy	South	Toledo	Whitfield
(Butler Co.)	Oakridge	Richland	Cummins	(Cherry St.)	Whitmore
Montezuma	Oak Shade	(Logan Co.)	South Dayton	Tontogany	(Wood Co.)
Montgomery	Oak Street	Ridge Road	South Hart- well	Toussaint	Williamstown
(Hamilton Co.)	Oakview	Rimer	South Leb- anon	Tower Hill	Williston
Monticello	Oakwood	Rising Sun	South Park	Townwood	Willshire
Montpeller	Ohio City	Roachton	(Montgomery Co.)	Trautman	Winslow Park
Moore	Oil Center	Rockdale	South Side	Trebeln	Winton Jct.
(Coney Co.)	Okeana	Rockford	(Hamilton Co.)	Trebeln's	Winton Place
Moore	Okolona	Rockwell	Southworth	Tremont City	Wisterman
Moore	Oldtown	Rocky Ridge	Spafford	Trenton	Woodington
Quarries	(Green Co.)	Rosedale	Spencerville	Trombley	Woodlawn
Morris	Oregonia	(Defiance Co.)	Springfield	(Butler Co.)	Woods
(Allen Co.)	Osborn	Roselms	Spring Valley	Trotwood	Woodsdale
Morris	Osgood	Rosewood	Standley	Trowbridge	Woodsdale
(Champaign Co.)	Ottawa	Roslyn	Starwell	Troy	Woodside
Morrow	Ottokee	Rossburg	Steele	(Miami Co.)	Woodville
Mortimer	Ottoville	Rossford	Steinmans	Turtle Creek	Wyoming
Moulton	Overpeck	Rossmoyne	Stelvideo	Tweddale	Xenia
Mt. Blanchard	Oxford	Rouscoups	Stillwater Jct.	Twightwee	Yellow Springs
Mt. Cory	Pandora	Roxanna	St. Bernard	Union (Mont- gomery Co.)	Yelverton
Muhlhauser	Park	Rudolph	St. Henry	Union Village	Yorkshire
Mungen	(Warren Co.)	Rush's	St. Johns	Unipolis	Zimmerman
Muntanna	Park Place	Rushmore	St. Joseph	Urbana	
Murphy	Patterson	Russell's Point	(Hamilton Co.)	Van Buren	
(Hancock Co.)	(Hardin Co.)	Russia	St. Marys	Valley Jct.	
Naomi	Paulding	(Shelby Co.)	St. Marys	Vanlue	
Napoleon	Pemberton	Santa Fe	St. Marys	Van Wert	
National Road	Pemberville	Savona	St. Marys	Vaughnsville	
(Montgomery Co.)	Pendleton	Saylor Park	St. Marys	Venables	
	Shop	Schenks	St. Paris	Venedocia	
	Perrysburg	Schumm			

GROUP  
C  
RATES

## ALL OTHER POINTS

## OKLAHOMA:

Adair	Artie	Barbee	Big Cabin	Bokhoma	Bunch
Adamson	Ashby	Barnett	Bismark	Bokoshe	Bushyhead
Afton	Atlantic	Barron Fork	Bixby	Boswell	Canadian
Alderson	Ayeta	Barstville	Blanch Spur	Braden	(Pittsburg Co.)
Alsuma	Bache	Bedwell	Blanco	Brags	
America	Baker	Benson	Blocker	Briartown	Cartersville
Archibald	Ballard	Berlin	Blue Jacket	Broken Arrow	Caston
Arkmore Jct.	Baltic	Bernice	Bluff	Broken Bow	Catali
Arkansas River	Baptist	Berryhill	Boggy	Brushy	Catoosa

GROUP  
F  
RATES

(CONCLUDED ON FOLLOWING PAGE.)







## OKLAHOMA—Concluded:

Chambers	Forney	Jackson	Monroe	Quapaw	Stilwell
Checotah	Fort Gibson	Switch	Moon	Quinton	Stone Bluff
Chelsea	Fort Towson	Jenks	Muldrow	Ramona	Stonebraker
Chercreek	Foyil	Johnsville	Murphy	R. B. Choate	Strang
Chert Ballast	Frink	Joneston	Muskogee	Spur	Summit
Pit	Gaither	Kanima	Narcissa	Reams	Superior
Chockie	Gans	Karrle	Neha	Red Bird	Swink
Chouteau	Gap	Keba	Nirine	Redlands	Taft
Claremore	Garnett	Keefeton	N. McAlester	Red Oak	Talala
Coal Creek	Garvin	Kelso	N. Muskogee	Reid's Spur	Thomasville
Coal Spur	Gasopolis	Kendall	Nowata	Rentiesville	Tiawah
Coalton	Gibson	Keota	Noxil	Reynolds	Tigler
Collinsville	Glenpool	Ketchum	Oak-ta-ha	Rogers (Mayes Co.)	Todd
Copan	Golden	Kinta	Ochelata	Rice	Traber
Cornell	Gore	Kiowa	O'Farrell	Roby	Tulahassee
Council Hill	Gowan	Krebs	Ogeechee	Rock Island	Tulsa
Coweta	Gravel Spur	Kusa	Oklmulgee	Ross City	Turley
Craig	Greenwood	Lefebvre	Onapa	Rotary	Tyrell
Crekola	Jct.	Leliaetta	Oolagah	Rowland	Unger
Cro	Hailey	Lenapah	Oseuwa	Russell Creek	Uppon
Crowder	Haileyville	Leonard	Ozark	Sageeyah	Valiant
Culp	Hamilton	Lequire	Page	Salina	Vera
Dawes	Hanna	Limestone	Panama	Sallisaw	Verdigris
Dawson	Hanson	Livingston	Passing Spur	Sand Springs	Vian
Delaware	Hartshorne	Locust Grove	Patterson	Sand Spur	Vinita
Denman	Haskell	Log Spur	Spur	Sans Bois	Wagoner
Dewar	Hanto	Lopp	Peavine Lum-	Savanna	Wainwright
Dewey	Haworth	Lutli	ber Spur	Schulter	Wann
Dow	Hay Ranch	Lyons	Peno	Seaman	Warner
Durall	Henryetta	McAlester	Pensacola	Sequoyah	Watkins
Edgar	Heavener	McCurtain	Perry	Shady Point	Watova
Eufaula	Hichita	McDonald	Perryman	Shaft 3	Watts
Eureka Coal	Hodgens	McKay	Petroleum	Shaft 7	Welch
Co. Spur	Hoffman	Mackey	Pinola	Shopton	Wells
Fairland	Houston	Macon	Pittsburg	Skiatook	Westville
Falls City	Howard Lum-	Marble City	Poag	Slope	White Oak
Fanshaw	ber Co. Spur	Marble Quarry	Polson	Soper	Wilburton
Fascine	Howden	Massey	Port	So. Coffeyville	Williams
Featherston	Howe	Matoaka	Porter	Sperry	Windsor
Ferguson Cont.	Hughes	Maril	(Wayne Co.)	Spiro	Wirth
Co. Spur	Hulwe	Mekke	Forum	Sputter	Wister
Flint Siding	Huntley	Miami	Potter	Stevens	Wyandotte
Flushe	Idabell	Millerton	Poteau	Stigler	Yahbark
Fogels Spur	Indianola	Milton	Pryor		Yahola
Foreman's	Inola	Mohawk			Yonkers
Spur					

GROUP  
F  
RATES

## ALL OTHER POINTS.....

GROUP  
H  
RATES

## PENNSYLVANIA:

Acheson	Anderson Road	Baird	Beaver Road	Blackburn	Branchton
Adamsville	Annandale	Bagdad	Becks Run	Blacks Run	Brandon
Aiken	Apollo	Bagdad	Beechmont	Blackstone	(Venango Co.)
(Allegheny Co.)	Ardara	Colliery	Belle Bridge	Mine	Brevard
Akeley	Arden	Baggaley	Belle Valley	Blythedale	Bridgetown
Aladdin	Argentine	Bakerstown	Belle Vernon	(Butler Co.)	Bridgewater
Albion	Argyle	Bamford	Bellevue (Alle-		(Beaver Co.)
Aliquippa	Arnold (West-	(Washington Co.)	gheny Co.)	Borland	Brightwood
Allegheny	m ore land		Ben Avon	Boston	Brilliant
Allenport	Co.)	Banksville	Bennett	Boughton	Brinker
Allison Park	Arona	Banksville Jct.	Bentleyville	Bouquet	Briquette
Alsworth	Aspinwall	Barking	Bessemer	Bovard	Browns
Alpsville	Astral	Barnes Cross-	Best Siding	Bower Hill	(Allegheny Co.)
Alton	Atlantic	ing	Biddle	Boyce	Brownsdale
(McKean Co.)	Atwells Cross-	Bartley	Big Ben	Boyer	Brownsville
Amasa	ing	Baum	Big Shanty	(McKean Co.)	Road
(Mercer Co.)	Avalon	Beadling	Bingham	Brackinridge	Bruceston
Ambridge	Avella	Beans Hill	(McKean Co.)	Braddock	Bruin
Anderson	Avonmore	Bear Lake	Birmingham	Bradford	Bryant
(Washington Co.)	(Westmore-	Beatty	(Allegheny Co.)	Brasburn	Buchanan
Anderson Jct.	land Co.)	Beaver	Bishop	Branch	(Crawford Co.)
	Baden	Beaver Falls		(Mercer Co.)	

GROUP  
B  
RATES

(CONTINUED ON FOLLOWING PAGE.)



**LIST OF STATIONS IN ARIZONA, CALIFORNIA, MEXICO, NEVADA, NEW MEXICO, OREGON AND UTAH  
TO WHICH RATES APPLY—Continued.**

STATIONS	RAILROAD LOCATION	CLASS (See pages 112 to 145, inclusive) SCALE No.	COMMODITY RATE BASES (For Explanation of Notes, see page 94)	NOTES (For Explan- ation, see page 94)	WESTERN GATEWAYS (For Key, see pages 91 and 92)
Grand Terrace	Cal. L. A. & S. L.	47, 200	1, 3		4, 12, 23, 24, 25, 26
Grand Terrace	Cal. P. E.	47, 200	1, 3		19, 23, 24, 26
Grand Terrace	Cal. S. F.	47, 200	1, 3		6, 7, 8, 9, 12, 19
Grand View	Ariz. A. T. & S. F.	2, 3		4	1
Grange	Cal. T. S.	47, 200	1, 3		23, 24, 25, 26, 32
Granger	Cal. C. L. & T.	47, 200	1, 3		32
Granger	Cal. E. V. R.	47, 200	1, 3		18, 22, 32
Granite	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Granite	Ariz. A. T. & S. F.	2, 3		4	1
Granite Point	Nev. S. P.	116, 235	2, 3		6
Grant	Cal. N. W. P.	47, 200	1		12, 15, 23, 24, 25, 26, 27
Grants	N. M. A. T. & S. F.	124	2, 3		1
Grants	Utah W. P.	241			11
Grans	Cal. S. P.	47, 200	1		6, 7, 8, 9, 12, 32
Grape	Cal. S. P.	47, 200	1, 3		7, 8, 9
Grapeland	Cal. P. E.	47, 200	1, 3		19, 23, 24, 26
Grapt	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Grass Lake	Cal. S. P.	47, 200	Note 1	1	6, 7, 8, 9, 10, 12, 32
Graton	Cal. P. & S. R.	47, 200	1		13, 33, 31, 32, 36
Gratto	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 12, 19
Gravel	Cal. S. P.	47, 200	1		6, 7, 8, 9, 12, 32
Gravel Pit	Cal. P. E.	47, 200	1, 3		19, 23, 24, 26
Graves	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 12, 32
Green Brae	Cal. N. W. P.	47, 200	1		12, 15, 23, 24, 25, 26, 27
Greenslade	Cal. T. S.	47, 200	1, 3		23, 24, 25, 26, 32
Green Valley	Cal. N. W. P.	47, 200	1		12, 15, 23, 24, 25, 26, 27
Greenwood	Cal. N. W. P.	47, 200	1, 3		12, 15, 23, 24, 25, 26, 27
Greenwood	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Gree	Cal. W. P.	47, 200	1, 3		11, 12, 23, 24, 25, 26
Gregg	Cal. A. T. & S. F.	47, 200	1, 3		1, 23, 24, 25, 26, 32
Grenada	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Grey Rocks	Cal. V. E.	47, 200	1, 3		23, 24, 26
Graystone	Cal. S. P.	47, 200	1		6, 7, 8, 9, 12, 32
Gridley	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Grimes	Cal. S. P.	47, 200	1		6, 7, 8, 9, 10, 12, 32
Grommet	Cal. A. T. & S. F.	47, 200	1, 3	4	1
Grooms	Utah S. P.	152, 209	2, 3		6
Grossmont (Alta)	Cal. S. D. & A.	47, 200	1		12, 20, 28
Grouse	Nev. S. P.	47, 200	2, 3		6
Grover	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 12
Guadalupe	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 12
Guastl	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 12, 19
Guernville	Cal. N. W. P.	47, 200	1		12, 15, 23, 24, 25, 26, 27
Guernwood Park	Cal. N. W. P.	47, 200	1		12, 15, 23, 24, 25, 26, 27
Guernsey	Cal. A. T. & S. F.	47, 200	1, 3		1, 23, 24, 25, 26, 32
Guinda	Cal. S. P.	47, 200	1		6, 7, 8, 9, 10, 12, 32
Guistine	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 12, 32
Guthrie	Ariz. A. & N. M.	41	Note 5	5	17, 24, 26
Guthrie	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Gypsum	Cal. A. T. & S. F.	47, 200	1, 3		1, 19, 23, 24, 25, 26
Hachita	N. M. E. P. & S. W.	191	2, 3		2
Hacienda	Cal. S. N.	47, 200	1, 3		14, 23, 24, 25, 26, 32
Hacienda	Cal. W. P.	47, 200	1, 3		11, 12, 23, 24, 25, 26
Hackberry	Ariz. A. T. & S. F.	116	2, 3		1
Hackett	Ariz. S. P.	47, 200	2, 3	4	7, 8
Hackstaff	Cal. W. P.	198, 200	1, 3		11, 12, 23, 24, 25, 26
Hadley	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 12
Hado	Ariz. S. P.	47, 200	2, 3		7, 8
Haecel	Ariz. A. E.	114			24, 25
Haefed	Nev. S. P.	116, 235	2, 3		6
Hageman	Cal. S. N.	47, 200	1, 3		14, 23, 24, 25, 26, 32
Haggin	Cal. S. N.	47, 200	1, 3		14, 23, 24, 25, 26, 32
Haggin	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Haight	Cal. C. C. T.	47, 200	1, 3		12, 23, 24, 25, 26, 32
Haines	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 12, 19
Half Way House	Cal. P. E.	47, 200	1, 3		19, 23, 24, 26
Hall	Cal. S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Halleck	Nev. S. P.	136, 232	2, 3		6
Halleck	Nev. W. P.	136, 232	2, 3		11





**LIST OF STATIONS IN ARIZONA, CALIFORNIA, MEXICO, NEVADA, NEW MEXICO, OREGON AND UTAH  
TO WHICH RATES APPLY—Continued.**

STATIONS		RAILROAD LOCATION	CLASS (See pages 112 to 145, inclusive) SCALE No.	COMMODITY RATE BASES (For Explanation of Notes, see page 94)	NOTES (For Explanation, see page 94)	WESTERN GATEWAYS (For Key, see pages 91 and 92)
Halloway	Cal.	S. P.	47, 200	1		6, 7, 8, 9, 10, 12, 32
Halvern	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Hamilton	Cal.	L. A. & S. L.	47, 200	1, 3		4, 12, 23, 24, 25, 26
Hamilton	Cal.	Pen.	47, 200	1		23, 24, 26
Hamilton	Cal.	S. N.	47, 200	1, 3		14, 23, 24, 25, 26, 32
Hamilton	Cal.	S. P.	47, 200	1		6, 7, 8, 9, 10, 12, 32
Hamlet	Cal.	N. W. P.	47, 200	1		12, 15, 23, 24, 25, 26, 27
Hamm	Ariz.	A. E.	22			24, 25
Hammill	Cal.	S. P.		Note 5	6	6
Hancock	Ariz.	A. T. & S. F.		2, 3		1
Handorf Spur	Cal.	L. A. & S. L.	47, 200	1, 3		4, 12, 23, 24, 25, 26
Hanford	Cal.	A. T. & S. F.	47, 200	1, 3		1, 23, 24, 25, 26, 32
Hanford	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 12, 32
Hannlon	Cal.	L. A. & S. L.	47, 200	1, 3		4
Hannah	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Hansen	Utah	S. P.	174, 202	2, 3		6
Hansen Jct.	Ariz.	A. E.	196 1/2	2, 3	4	24, 25, 26
Hapress	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Harbine	Cal.	P. & S. R.	47, 200	1		13, 30, 31, 32, 36
Harbinson	Cal.	S. N.	47, 200	1, 3		14, 23, 24, 25, 26, 32
Harbor City	Cal.	P. E.	47, 200	1, 3		19, 23, 24, 26
Hardy	Ariz.	A. T. & S. F.		2, 3		1
Hardwick	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 12, 32
Harlem	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 12, 32
Harlem Springs	Cal.	P. E.	47, 200	1, 3		19, 23, 24, 26
Harney	Nev.	S. P.	136, 232	2, 3		6
Harold	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 12, 19
Harp	Cal.	T. S.	47, 200	1, 3		23, 24, 25, 26, 32
Harper	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 12, 19
Harrelson	Cal.	T. S.	47, 200	1, 3		23, 24, 25, 26, 32
Harriman Lodge	Ore.	S. P.	47	Note 1	1	6, 7, 8, 9, 10, 12
Harrington	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Harrold	Cal.	A. T. & S. F.	47, 200	1, 3		1, 23, 24, 25, 26, 32
Harte	Cal.	W. P.	47, 200	1, 3		11, 12, 23, 24, 25, 26
Harter	Cal.	S. N.	47, 200	1, 3		14, 23, 24, 25, 26, 32
Hartley	Cal.	S. P.	47, 200	1		6, 7, 8, 9, 10, 12, 32
Hartoum	Cal.	A. T. & S. F.	47, 200	1, 3		1
Hartt	Ariz.	S. P.	196 1/2	2, 3	4	7, 8
Hartville	Cal.	L. A. & S. L.	47, 200	1, 3		4, 12, 23, 24, 25, 26
Harvard	Cal.	L. A. & S. L.	47, 200	1, 3		4
Harvey and Brown	Cal.	L. A. & S. I.	47, 200	1, 3		4, 12, 23, 24, 25, 26
Haselbush	Cal.	S. N.	47, 200	1, 3		14, 23, 24, 25, 26, 32
Hassayampa	Ariz.	A. E.	43	Note 5	5	24, 25, 26
Hasset	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 12, 32
Hasson	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 12, 19
Hatch	Cal.	T. S.	47, 200	1, 3		23, 24, 25, 26, 32
Havel	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 12, 32
Havens	Cal.	O. A. & E.	47, 200	1, 3		12, 23, 24, 25, 26, 34
Haviland	Ariz.	A. T. & S. F.		2, 3		1
Haviland	Cal.	S. N.	47, 200	1, 3		14, 23, 24, 25, 26, 32
Hawes	Cal.	A. T. & S. F.	47, 200	1, 3		1, 23, 24, 25, 26
Hawkins	N. M.	S. P.		2, 3		7, 8
Hawley	Cal.	W. P.	52, 254	1, 3		11, 12, 23, 24, 25, 26
Hawthorne	Cal.	P. E.	47, 200	1, 3		19, 23, 24, 26
Hayden	Ariz.	A. E.	39	Note 5	5	24, 25, 26
Hayden	Cal.	L. A. & S. L.	47, 200	1, 3		4
Haynes	Cal.	A. T. & S. F.	47, 200	1, 3		1
Haystacks	Cal.	P. & S. R.	47, 200	1		32
Hayward	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Hayward	Cal.	W. P.	47, 200	1, 3		11, 12, 23, 24, 25, 26
Hazelton	Cal.	Sunset	47, 200	1		12, 23, 24, 25, 26, 33, 35
Hazen	Nev.	S. P.	118, 235	2, 3		6
Headquarters	Cal.	O. A. & E.	47, 200	1, 3		12, 23, 24, 25, 26, 34
Healdsburg	Cal.	N. W. P.	47, 200	1		12, 15, 23, 24, 25, 26, 27
Hearst	Cal.	S. P.	47, 200	1, 3		6, 7, 8, 9, 10, 12, 32
Heaton	Ariz.	S. P.		2, 3		7, 8, 9
Heber	Cal.	S. P.	47, 200	1		7, 8, 9
Hebron	Cal.	S. N.	47, 200	1, 3		14, 23, 24, 25, 26, 32
Hector	Cal.	A. T. & S. F.	47, 200	1, 3		1
Heeney	Cal.	T. S.	47, 200	1, 3		32
Heid	Cal.	A. T. & S. F.	47, 200	1, 3		1, 23, 24, 25, 26, 32
Heinlen	Cal.	S. P.	47, 200	1		6, 7, 8, 9, 12, 32





ITEM  
No.

## APPLICATION OF RATES.

## INTERMEDIATE APPLICATION OF RATES.

Except as may be otherwise specifically provided in tariff, rates provided will be subject to intermediate application FROM points of origin as per Note 1, and TO points of destination as per Note 2 below.

NOTE 1.—Except as otherwise provided in Notes 6 and 7, when rates are not specifically provided for FROM stations located directly intermediate to and on the same line or route with stations from which rates are specifically provided, apply the rate which is specifically provided FROM the next more distant point on that line or route.

NOTE 2.—When rates are not specifically provided for TO stations located directly intermediate to and on the same line or route with stations to which rates are specifically provided, apply the rate which is specifically provided TO the next more distant point on that line or route. (See Notes 4 and 6.)

(This application will not apply at points north of and including Gregory, Ore., nor in connection with class rates to points on the Western Pacific R. R. north of Reno, Nev., to and including Reno Jet., Cal.)

NOTE 3.—Stations not named in individual rate items will take the rate applicable to the next more distant station (as above provided) notwithstanding that such stations may be named in other commodity or class rate items. (See Note 6.)

NOTE 4.—Points on the Southern Pacific R. R., between Tucson and Nogales, Ariz., will be considered as intermediate points under the application in Notes 2 and 3.

NOTE 5.—Rates authorized in Note 1 will not apply from points on the Great Northern R'y west of Brook Park, Minn., west of Minneapolis, Minn., nor north of Merrill, Iowa.

NOTE 6.—(a) Intermediate application authorized in Notes 2 and 3 will not apply to points on Southern Pacific R. R. north of Mojave, Cal., to but not including Owenyo, Cal.

(b) Unless specifically provided rates herein will not apply via the Nevada-California Branch of the Southern Pacific R. R., to Owenyo, Cal., north of Mojave, that is, Branch extending northeast from Mojave, Cal.

NOTE 7.—Rates named in tariff from points in Canada are issued to meet competition and will not apply from any point in Canada intermediate thereto. (Published in compliance with General Order 177 issued by Board of Railway Commissioners for Canada.)

★Issued under authority of Interstate Commerce Commission Fourth Section Order No. 7046 of November 20, 1917.

## ALTERNATIVE APPLICATION OF COMBINATION RATES.

▲(a) (See Note C on title page hereof.) This tariff (supplements thereto and reissues thereof), having been issued in compliance with Commission's amended Fourth Section Order No. 6790 of date June 30, 1917, and the carriers having been unable, owing to the wide scope of territory covered, to publish the combinations of rates which make less than the through rates provided in the tariff (or as amended), the Commission has authorized the following alternative rate provisions (b).

▲(b) (See Note C on title page hereof.) If the aggregate of intermediate rates via the route over which the shipment moves, wherever found, makes less than the joint through rates contained in this tariff (and as amended), such aggregate of rates will be applied.

▲Issued under authority of Interstate Commerce Commission Order of October 17, 1918.

If Rate Basis 1 or Rate Basis 3 rates or aggregate of rates to points taking those bases

added to

the arbitraries authorized in Trans-Continental Freight Bureau Arbitrary Circular No. 69-B (I. C. C. Nos. 32, 684 and 1050 of C. C. McCain, Agent, Eugene Morris, Agent, and R. H. Countiss, Agent, respectively), and as amended,

or

If the rates applying to points in Arizona, California, Nevada, New Mexico or Utah, shown on pages 34 to 90, inclusive, as taking "Rate Basis 1," "Rate Basis 2" or "Rate Basis 3" rates

added to

the arbitraries shown in Section 1 of Trans-Continental Freight Bureau Arbitrary Circular No. 61-A (I. C. C. Nos. 23, 619 and 1023 of C. C. McCain, Agent, Eugene Morris, Agent, and R. H. Countiss, Agent, respectively);

or

If the rates published in tariffs lawfully on file with the Interstate Commerce Commission, from points in Groups "A" to "J", inclusive, as described on pages 1 to 28, inclusive, to Ogden, Salt Lake City, Utah, Albuquerque, Belen, Deming, N. M., or El Paso, Texas,

added to

the arbitraries shown in Section 2 of Trans-Continental Freight Bureau Arbitrary Circular No. 61-A (I. C. C. Nos. 23, 619 and 1023 of C. C. McCain, Agent, Eugene Morris, Agent, and R. H. Countiss, Agent, respectively), from Ogden, Salt Lake City, Utah, Albuquerque, Belen, Deming, N. M., or El Paso, Texas, to destination,

make less than the through rates provided in tariff, the combination rates so made will apply.

EXCEPTION 1.—If a rate in tariff (and as amended) is specifically restricted to apply via certain routes only, the same restrictions shall apply when such rate is used as a factor under the provisions of this item.

EXCEPTION 2.—If any rate used as a factor under the provisions of this item applies only via rail-and-water routes, combination rate made by use of such factor shall likewise apply only via the same rail-and-water route.

## THEORY OF THE EARTH

OF THE EARTH AND ITS HISTORY

The theory of the earth is a branch of geology which deals with the origin and development of the earth and its various parts. It is a science which seeks to explain the processes which have shaped the earth and its history. The theory of the earth is based on the study of the earth's structure and its various parts, and on the study of the processes which have shaped the earth and its history. The theory of the earth is a branch of geology which deals with the origin and development of the earth and its various parts. It is a science which seeks to explain the processes which have shaped the earth and its history. The theory of the earth is based on the study of the earth's structure and its various parts, and on the study of the processes which have shaped the earth and its history.

ITEM  
No.

## APPLICATION OF RATES—Continued.

## RULES FOR CONSTRUCTING COMBINATION RATES FROM AND TO POINTS WHERE NO THROUGH RATES ARE PUBLISHED.

Except as otherwise indicated, rates on carload shipments named below, from and to points where no through rates are published in this tariff, are subject to rules for constructing combination rates as provided in Agent Eugene Morris' Freight Tariff No. 228, I. C. C. No. U. S. 1, supplements thereto or reissues thereof:

COMMODITY	As described in items designated below	COMMODITY	As described in items designated below
Brick and Articles taking Brick Rates.....	800, 810, 4092, 4094, 4096, 4560, 4566, 4568, 4570	Lumber and Forest Products.....	2315, 2320, 2330, 2335, 4386, 4388
Cement and Plasters.....	690, 2775, 4056, 4058, 4446, 4552	Ore, Iron.....	2560
Cotton.....	940, 945	Sand.....	3116, 3130
Cotton Linters.....	940, 945	Stone, artificial and natural, building and monumental	3265, 3270
Lime.....	2265	Stone, crushed.....	3115
Live Stock.....	4702 to 4718, incl.		

## CLASS ARBITRARY.

The "Class Arbitrary" shown in rate items in Section 2 of this tariff, designates the class to be used in applying the Class Arbitraries named in Trans-Continental Freight Bureau Arbitrary Circular No. 59-B (I. C. C. Nos. 32, 684 and 1060 of C. C. McCain, Agent, Eugene Morris, Agent, and R. H. Countiss, Agent, respectively), and Trans-Continental Freight Bureau Arbitrary Circular No. 61-A (I. C. C. Nos. 23, 619 and 1028 of C. C. McCain, Agent, Eugene Morris, Agent, and R. H. Countiss, Agent, respectively), only on carload shipments of two or more articles for which no mixed carload arbitrary is provided in said Circulars Nos. 59-B and 61-A for use in connection with "Rate Basis 3" rates, as shown in Section 2 of this tariff.

## APPLICATION OF RATES VIA MALLORY STEAMSHIP CO., SOUTHERN PACIFIC STEAMSHIP LINE AND SOUTHERN STEAMSHIP CO.

Except as otherwise provided, class and commodity rates in this tariff will apply via Mallory Steamship Co., Southern Pacific Steamship Line and Southern Steamship Co., only as specifically provided below. (See Note 1.)

NOTE 1.—(a) In connection with the Mallory Steamship Co. rates will not apply via the Southern Pacific R. R. and El Paso, Tex.

(b) In connection with the Southern Pacific Steamship Line, rates will not apply via the Atchison, Topeka & Santa Fe R'y and Albuquerque or Belen, N. M., except to points located on the Atchison, Topeka & Santa Fe R'y, Los Angeles & Salt Lake R. R., Western Pacific R. R. and Oakland, Antioch & Eastern R'y.

FROM	TO	GATEWAYS
New York Pier of Mallory Steamship Co. New York Pier of Southern Pacific Steamship Line. Philadelphia Pier of Southern Steamship Co.....	Points shown on pages 34 to 90, inclusive (See Exception below) EXCEPTION.—Rates will not apply to points located on the Southern Pacific R. R. east of Colfax, Cal., and north of Seaford, Cal., and on Western Pacific R. R. east of California-Nevada State Line.	1, ②, 7, 12, 13, 14, 15, ①16, ①17, 24, 31 ① Will not apply via Deming, N. M.

## APPLICATION OF RATES ON IMPORT TRAFFIC.

## RATES ON IMPORT TRAFFIC ORIGINATING IN EUROPE (OR BEYOND)—SEE RULES GOVERNING APPLICATION, ITEM 27.

The rates named in this tariff from points taking Group A rates, will apply from Atlantic ports of entry (i. e., Baltimore, Md., Boston, Mass., Newport News, Va., Philadelphia, Pa., Portland, Me., Montreal, Que., St. John, West St. John, N. B., Halifax, N. S., and New York, N. Y.), on shipments originating in Europe (or beyond), destined to points taking "Rate Basis 1," "Rate Basis 2" or "Rate Basis 3" rates (or beyond).

## RATES ON IMPORT TRAFFIC ORIGINATING IN FOREIGN COUNTRIES—SEE RULES GOVERNING APPLICATION, ITEM 27.

On traffic originating in foreign countries and destined to points covered by this tariff (or beyond), the rates named herein as applying from Galveston, Tex., will apply also from shipside at Galveston, Port Arthur, Port Bolivar, Texas City, Tex., Algiers, Greta, New Orleans and Westwego, La.







## SECTION 2—COMMODITY RATES—Continued.

(TARIFF 1-B)

Item No.	ARTICLES	Min. C. L. wt. (Pounds)	RATES IN CENTS PER 100 POUNDS (Except as noted)						
			FROM Points shown on pages 1 to 28, inclu- sive, as taking the follow- ing Group Rates	TO Points shown on pages 34 to 90, inclusive, as taking					
				Rate Basis 1		Rate Basis 2		Rate Basis 3	
				L.C.L.	C. L.	L.C.L.	C. L.	L.C.L.	C. L.
	OILS, viz.—Concluded:								
2545	Oil, peanut, N. O. S., In cans boxed, or in bulk in barrels, In tank cars, actual weight per gallon at point of loading. NOTE 1.—Subject to refining-in-transit privileges as published in tariffs of individual lines, parties hereto, lawfully on file with the Interstate Commerce Com- mission.	In pack- ages named 30,000  In tank cars, see Rule 6	A	156½		156½			
			B	144		144			
			C	137½		137½			
			D	131½		131½			
			E	125		125			
			F	112½		112½			
			G	112½		112½			
			H	112½		112½			
			J	112½		112½			
2550	Oil, petroleum and its products, classified fifth class under heading of "Petroleum or Petroleum Prod- ucts, including compounded Oils or Greases having a Petroleum Base" (exclusive of Sewing Machine and Cycle Oils), in current Western Classification, sub- ject to rules, weights per gallon and minimum weights thereof. (See Note). NOTE.—Rates named will apply also on Lubricating Compounds having a petroleum base and mixed with hair, waste or yarn. §The Southern Pacific Steamship Line, Mallory Steam- ship Co., Old Dominion Steamship and Southern Steamship Co., will not accept shipments of Paraffine Wax, in bulk, Benzine, Gasoline, Naphtha and Kero- sene Oil, in barrels.	As per current Western Classifi- cation	A					\$129½	
			B					119½	
			C					114½	
			D					109½	
			E					104½	
			F					94½	
			G					94½	
			H					94½	
			J					94½	
2555	Oil, petroleum road, In barrels, In tank cars, actual weight per gallon. +Class rates will not apply. No through rates in effect.	In barrels 60,000 — In tank cars, see Rule 6	A		+		+		
			B		+		+		
			C		+		+		
			D		64½		64½		
			E		64½		64½		
			F		59½		59½		
			G		59½		59½		
			H		59½		59½		
			J		59½		59½		
2560	Ore, iron, ground or unground. +Class rates will not apply. No through rates in effect.	60,000	A		+		+		
			B		+		+		
			C		+		+		
			D		66½		66½		
			E		66½		66½		
			F		61½		61½		
			G		61½		61½		
			H		61½		61½		
			J		61½		61½		
2565	Oysters, shell, in bags, prepaid or guaranteed.	30,000	A		219		219		
			B		219		219		
			C		219		219		
			D		219		219		
			E		219		219		
			F		219		219		
			G		219		219		
			H		219		219		
			J		219		219		

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C.R.C. No 1515

NO SUPPLEMENT TO THIS TARIFF WILL BE ISSUED EXCEPT FOR THE PURPOSE OF CANCELLING THE TARIFF. ADDITIONS TO, CHANGES IN AND ELIMINATIONS FROM THIS TARIFF WILL BE PUBLISHED IN LOOSE LEAF FORM.

I. C. C. No. 4067

Cancels I. C. C. No. 3845

# UNITED STATES RAILROAD ADMINISTRATION

DIRECTOR GENERAL OF RAILROADS.

## SOUTHERN PACIFIC RAILROAD

ASHLAND, ORE., AND LINES SOUTH THEREOF.

# Local and Proportional Freight Tariff No. 711-A

(Cancels Local and Proportional Freight Tariff No. 711)

### NAMING CLASS RATES

BETWEEN	AND
SAN FRANCISCO.....CAL.	POINTS IN CALIFORNIA.
OAKLAND....."	
SAN JOSE....."	
CROCKE....."	
PORT CO....."	
ANTIOCH....."	
STOCKTON....."	
SACRAMENTO....."	
MARYSVILLE....."	
BENICIA....."	
SOUTH VALLEJO....."	
LOS ANGELES....."	
and other points in California.	

AS SHOWN HEREIN.

### PROPORTIONAL CLASS RATES

BETWEEN	AND
BIGGS.....SAL.	POINTS IN CALIFORNIA
	RICHVALE, WYO, HAMILTON, DORRIS, COLE
	and Points Between
PEART.....CAL.	HOWARD.....CAL.

Governed, except as otherwise provided herein, by Current Western Classification, and by Current Exceptions to said Classification. (See Note.)

The terms "Current Western Classification" and "Current Exceptions thereto," wherever they appear in Tariff, refer to The Western Classification No. 55 (I. C. C. No. 13 of R. C. Fyfe, Agent), and Pacific Freight Tariff Bureau Exception Sheet No. 1-F (I. C. C. No. 305 of F. W. Gomph, Agent), supplements thereto or reissues thereof.

NOTE: Exceptions to the Current Western Classification on Petroleum Crude Oil and Petroleum Gas Oil, straight carloads, also Petroleum Fuel Oil, viz.: Refinery Residuum, straight carloads, and Engine (Naphtha) Distillate, carloads, shown in Items 400-A and 405-B of Pacific Freight Tariff Bureau Exception Sheet No. 1-F, I. C. C. No. 305 of F. W. Gomph, Agent, will not apply in connection with rates named herein. Current Western Classification and Rule 40 herein will apply.

Changes which result from additions of or abandonment of stations and station facilities contained in this tariff are filed under authority of the Interstate Commerce Commission's Fifteenth Section Order No. 250 of January 8, 1918, without formal hearing, which approval shall not affect any subsequent proceeding relative thereto.

Published for the Director General of Railroads under authority of Section 2 of Circular No. 1-B of the Director, Division of Traffic, United States Railroad Administration, dated February 4, 1918.

INTRASTATE TRAFFIC:—This Tariff contains rates that are lower for longer distances than for shorter distances over the same line or route in the same direction, such departure from the terms of the Constitution and Section 24 (a) of the Public Utilities Act is permitted, except as shown in individual items, by order of the Railroad Commission of the State of California in Decision No. 3433, dated June 19, 1916, in Case No. 214-A.

ISSUED SEPTEMBER 30, 1919.

EFFECTIVE NOVEMBER 20, 1919.

Issued by  
G. W. LUCE,  
Freight Traffic Manager,  
San Francisco, Cal.

1954

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## INDEX OF POINTS FROM AND TO WHICH RATES APPLY—Continued.

## SIDE LINE POINTS

POINTS	INDEX NO.	POINTS	INDEX NO.	POINTS	INDEX NO.
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Drawbridge....."	185	Encino....."	4970	Fruitvale....."	45
Dredge....."	1585	Ensign....."	1675	Fruto....."	2880
Dreyfus....."	5225	Enwood....."	1140	Fulda....."	1265
Dry Camp....."	5745	Eocene....."	6940	Fulton Wells....."	5105
Drylyn....."	5955	Erickson....."	2030		
Duarte....."	5375	Eshel....."	3795	Gabilan....."	6805
Ducor....."	4040	Esmar....."	3510	Gadwall....."	3170
Dufour....."	2770	Esparto....."	2575	Galindo....."	530
Dugan....."	1055	Espinosa....."	6860	Galt....."	810
Dulah....."	7320	Estelle....."	5830	Garfield Avenue....."	5390
Dumbarton....."	125	Ester....."	2045	Garic....."	2665
Dunnigan....."	2790	Estudillo....."	205	Garlock....."	4570
Dunsmuir....."	1905	Etiwa....."	5555	Garnsey....."	4955
Durham....."	1565	Eucelid Avenue....."	5530	Gasur....."	7115
Durmid....."	5795	Evans....."	6315	Gaspar....."	5060
Durney....."	6505	Ewing....."	1980	Gato....."	7170
Dutch Flat....."	1225	Exeter....."	1435	Gaviota....."	190
Dyer....."	5240		3920	Gazelle....."	2105
				Geagan....."	1985
Eaglet....."	6980	Fagan....."	1535	Genevra....."	2810
Earlmar....."	4190	Fairmead....."	3595	Gerber....."	1695
East Alhambra....."	5330	Fair Oaks....."	990	Getty....."	6905
Eastborne....."	5640	Famoso....."	4220	Giant....."	425
East Oakland....."	35	Farad....."	1400	Giant Oak....."	4145
East Weed....."	1975	Fargo....."	3835	Gibson....."	1845
Eblis....."	6420	Farmersville....."	4140	Gigling....."	6710
Eckley....."	485	Farmington....."	3005	Gilroy....."	6525
Edenvale....."	6475	Farwell....."	275	Gimbal....."	1640
Eder....."	1325	Faulkner....."	1570	Girvan....."	1750
Edu....."	7390	Felton....."	6370	Glamis....."	5945
Edgewood....."	2100	Fep....."	6540	Glann....."	930
Edison....."	4415	Fergus....."	3550	Glen Arbor....."	6375
Edna....."	7010	Fillmore....."	7560	Glendale....."	4995
Edom....."	5740	Pingal....."	5705	Glen Ellen....."	2445
Edwin....."	835	Firebaugh....."	3200	Glenwood....."	6355
Efco....."	3845	Fisher....."	1850	Glorietta....."	3745
Eggers....."	3720	Fiteburg....."	70	Gloster....."	4815
Elavon....."	4890	Fleming....."	385	Gola....."	4360
El Jacso....."	5675	Fleta....."	4810	Gold Run....."	1220
El Centro....."	5900	Flint....."	1170	Goldtree....."	7000
El Dorado....."	1085	Flonellis....."	1035	Goler....."	4575
Eldridge....."	2440	Florence....."	5020	Goleta....."	7245
Eltman....."	5040	Florin....."	880	Gonzales....."	6815
Eliot....."	310	Floriston....."	1395	Goodyear....."	2180
Elk Grove....."	870	Floresden....."	2245	Gordola....."	6440
Elkhorn....."	6675	Flowersfield....."	680	Gordon....."	3755
Ellicott....."	6615	Flowing Well....."	5915	Gorge....."	1240
Elmhurst....."	75	Floyd....."	3300	Gosford....."	4335
Elmira....."	2520	Flume....."	1865	Goshen Junction....."	4115
El Modena....."	5210	Folsom....."	1015	Gotri....."	3010
El Monte....."	5425	Folsom Junction....."	5845	Grand Terrace....."	5595
Elmore....."	1815	Fondo....."	1045	Granger....."	490
Elna....."	4750	Forebay....."	1250	Granz....."	3700
El Pinal....."	725	Forest Home....."	590	Grape....."	5890
El Prado....."	3760	Forest Lake....."	805	Gravit....."	2895
El Rio....."	7400	Forsey....."	3325	Grass Lake....."	2020
Ela....."	6870	Fowler....."	4080	Gratto....."	5190
Elvas....."	1105	Fram....."	4510	Gravel....."	3765
Elvaton....."	2760	Franklyn....."	750	Graves....."	6775
El Verano....."	2420	Freeport....."	915	Greenwood....."	2900
Elwood....."	7230	French Camp....."	705	Grenada....."	2110
Emanuel....."	6055	Fresno....."	3690	Greystone....."	6470
Emeryville....."	345	Friant....."	3770	Gridley....."	1540

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INDEX OF POINTS FROM AND TO WHICH RATES APPLY—Continued.  
SIDE LINE POINTS

POINTS	INDEX NO.	POINTS	INDEX NO.	POINTS	INDEX NO.
Grover.....Cal.	7030	Hovant.....Cal.	4075	Kingsburg.....Cal.	4100
Guadalupe....."	7050	Hovden....."	6755	Kirkwood....."	2925
Guasti....."	5545	Hovely....."	5870	Klamathson....."	2135
Guinda....."	2605	Howard....."	2675	Klink....."	3890
Gunter....."	1260	Howest....."	6125	Knights Landing....."	2695
Gustine....."	3135	Howton....."	4000	Knob....."	5970
Gypsite....."	4550	Hoyt....."	2185	Knowles....."	3635
		Hub....."	3265	Knowles Junction....."	3625
Hadley....."	7015	Hudner....."	6545	Kohler....."	65
Haggin....."	1115	Hugo....."	5720	Krug....."	2345
Haines....."	7520	Humphreys....."	4870	Kurand....."	2865
Haiwee....."	4670	Hunt....."	4215	Kurth....."	3965
Hall....."	110	Huntington Beach....."	5375		
Halloway....."	775	Huron....."	3425	La Bolas....."	5290
Halvern....."	225	Hutchinson....."	60	Labranza....."	3570
Hamilton....."	2915			Lacjac....."	3850
Hamill....."	4800	Iceland....."	1385	La Cross....."	7350
Hanford....."	3460	Igernia....."	1965	Lagol....."	7445
Hannah....."	6050	Imola....."	2270	Laguna....."	6005
Hapress....."	525	Imperial....."	5895	Lake Majella....."	6765
Hardwick....."	3365	Indio....."	5755	Lake View....."	1320
Harlem....."	6850	Ingle....."	3215	Lake Vineyard....."	5335
Harold....."	4835	Ingleside....."	6025	Lakmer....."	6030
Harper....."	5260	Ingomar....."	3145	Lamoine....."	1840
Harrington....."	2800	Inyokern....."	4610	Lancaster....."	4825
Hartley....."	2540	Ione....."	850	Lander....."	1200
Hasset....."	3275	Iris....."	5920	Lang....."	4865
Hasson....."	7480	Irma....."	7250	Lankershim....."	4950
Havel....."	6975	Irondale....."	440	Lanson....."	4660
Hayward....."	220	Irrigosa....."	3665	Lapaco....."	4945
Hearst....."	1495	Irvington....."	245	La Patera....."	7240
Heber....."	5905	Irwindale....."	5450	Lapis....."	6695
Heinlen....."	3390	Ivesta....."	3810	Larkmead....."	2360
Helisma....."	780	Ivrea....."	1720	La Rose....."	4500
Helm....."	3240			La Salle....."	7,20
Henderson....."	140	Jacksnipe....."	2205	Las Juntas....."	350
Henry....."	6960	Jacobs....."	4120	Las Palmas....."	3715
Herbert....."	3620	Jalama....."	7155	Lateen....."	5455
Hercules....."	450	Jamesan....."	3280	Lathrop....."	700
Herdlyn....."	665	Janney....."	675	Latrobe....."	1030
Herdon....."	3675	Jani....."	730	Laugenour....."	2680
Hershey....."	2795	Jasmin....."	4055	Laurel....."	6330
Hewitt....."	7505	Jerome....."	2070	La Verne....."	5499
Hickman....."	3045	Jesbel....."	3815	Lawndale....."	2470
Highgrove....."	5600	Jester....."	1445	Lawrence....."	6230
Hillside....."	3630			Laws....."	4780
Hilt....."	2150	Katsura....."	5880	Lee....."	2715
Hinda....."	5680	Kearney....."	3310	Leedale....."	7425
Hialop....."	710	Kearsarge....."	4740	Le Franc....."	6270
Hoe....."	1990	Koeler....."	2065	Leiter....."	4615
Hoffman Avenue....."	6750	Kegs....."	2085	Lemon....."	7385
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Hollister....."	6550	Kellum....."	2060	Lennox....."	7410
Holly....."	985	Kemp....."	7590	Leonard....."	6625
Holy Cross....."	6070	Kennet....."	1800	Lerdo....."	4235
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Hooker....."	1725	Keyes....."	7540	Lillis....."	3360
Hockerton....."	545	Keyes....."	3515	Limco....."	7515
Hope Ranch....."	7255	Kimble....."	3370	Limestone....."	1065
Hornbrook....."	2140	King City....."	6875	Lincoln....."	1425

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Vol. 11, Part 1, 1911

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New Almaden....."	6290	Orris....."	4045	Pratton....."	3320
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Newcastle....."	1160	Ortonville....."	7335	Proberta....."	1700
New England Mills....."	1195	Ossage....."	580	Prosser Creek....."	1370
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Nordhoff....."	7370	Palmdale....."	4830	Rand....."	4580
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North San Gabriel....."	5345	Parada....."	5360	Ravenswood....."	130
Norton....."	2560	Paradise....."	1600	Rawson....."	1705
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Ora....."	3435	Pollock....."	1820	Riverside....."	5615
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Ordway....."	5670	Poppy....."	5840	Robinson....."	3260
Orella....."	7205	Porque....."	4300	Roche....."	3900
Orford....."	2965	Port Costa....."	495	Rocklin....."	1145
Orion....."	3380	Porterville....."	3970	Rockwood....."	5860
				Rodeo....."	455

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## RULES AND REGULATIONS.

## INTERSTATE AND INTRASTATE TRAFFIC.

(a) Unless otherwise specifically provided, rates from points from which a specific rate is not named will be the same as the rate from the next more distant point on same direct line from which a specific rate is named.

(b) Unless otherwise specifically provided, rates to points to which a specific rate is not named will be the same as the rate to the next more distant point on same direct line to which a specific rate is named.

## INTERSTATE TRAFFIC (ONLY).

(c) Whenever a carload (or a less-than-carload) commodity rate is established, it removes the application of the Class Rates to or from the same points on that commodity in carload quantities (or less-than-carload quantities, as the case may be).

## INTRASTATE TRAFFIC (ONLY).

(d) Whenever a Class Rate and a Commodity Rate are named between specified points, the lower of such rates is the lawful rate, unless some combination of Class Rates, or of Commodity Rates, or of Class and Commodity Rates, makes a lower through rate (see exception below).

**EXCEPTION—Intrastate Traffic:**—Rates named herein must not be applied on livestock in combination with specific commodity rates for the purpose of defeating through specific commodity rates as published in Local, Joint and Proportional Freight Tariff 645-B (I. C. C. 4045) or reissues thereof.

5	Application of Rates:	<p>(a) Unless otherwise specifically provided, rates from points from which a specific rate is not named will be the same as the rate from the next more distant point on same direct line from which a specific rate is named.</p> <p>(b) Unless otherwise specifically provided, rates to points to which a specific rate is not named will be the same as the rate to the next more distant point on same direct line to which a specific rate is named.</p> <p><b>INTERSTATE TRAFFIC (ONLY).</b></p> <p>(c) Whenever a carload (or a less-than-carload) commodity rate is established, it removes the application of the Class Rates to or from the same points on that commodity in carload quantities (or less-than-carload quantities, as the case may be).</p> <p><b>INTRASTATE TRAFFIC (ONLY).</b></p> <p>(d) Whenever a Class Rate and a Commodity Rate are named between specified points, the lower of such rates is the lawful rate, unless some combination of Class Rates, or of Commodity Rates, or of Class and Commodity Rates, makes a lower through rate (see exception below).</p> <p><b>EXCEPTION—Intrastate Traffic:</b>—Rates named herein must not be applied on livestock in combination with specific commodity rates for the purpose of defeating through specific commodity rates as published in Local, Joint and Proportional Freight Tariff 645-B (I. C. C. 4045) or reissues thereof.</p>
10	Application of Rates:	All rates herein applying from or to Muscatel, Cal., will also apply from or to Biola Junction, Biola Junction, Cal.: Cal., unless lower rates are otherwise specifically provided.
15	Application of Rates: Points in Groups Not Named:	Rates from or to points not named, which may be located between two points in Groups 1, 2 or 3, will take the rate from or to the next more distant point on same direct line.
20	Bills of Lading:	<p>It is unlawful to misdate or otherwise make false entries on Bills of Lading, hence Bills of Lading must not be issued purporting to show that the freight covered thereby originated at points other than those from which it is actually shipped or be dated other than as of the day upon which the shipping instructions are fully given and the carrier finally authorized to forward the property.</p> <p>Formal Bills of Lading may be exchanged for Switching Tickets and when the latter show consignee and destination and are, in effect, informal Bills of Lading issued by initial carriers, the formal Bill of Lading may be executed bearing the date shown on Shipping Ticket but not otherwise.</p>
25	Explosives—Estimated Weights:	Shipments of Fuse, Powder and High Explosives will be charged for on basis of estimated weights as provided in Pacific Freight Tariff Bureau Circular No. 1-C (I. C. C. No. 340) of F. W. Gomph, Agent, supplements thereto or reissues thereof.
30	Instructions for Handling Loose Leaf Tariff:	<p>This Tariff is issued in loose leaf form and all changes will be made by reprinting the entire page. Such reprinted pages will bear same page number as the original page and also show in upper left hand corner that it is a revised page and what page it cancels; for example—"1st revised page 15 cancels original page 15" or "2nd revised page 15 cancels 1st revised page 15," etc.</p> <p>New pages added to the tariff will be numbered with a letter affix, such as 15-A. Reissue of these new pages will likewise bear the same page number, e. g. 15-A, and similar notation in upper left hand corner as to the revised page.</p> <p>Reprinted pages cancel only pages bearing same page number and in no case would page 15-A cancel page 15, nor page 15-B cancel page 15-A.</p>
35	Live Stock—Transportation of:	Live Stock will be transported on Lines of Southern Pacific Railroad in accordance with provisions of Rules and Regulations governing transportation of Live Stock, Circular G. F. D. 188-E (I. C. C. No. 3454), or reissues thereof.
40	Minimum Carload Weight Petroleum Crude Oil, etc., and Distillate:	<p>(a) Petroleum Crude Oil and Petroleum Gas Oil, straight carloads, also Petroleum Fuel Oil, viz.: Refinery Residuum, straight carloads.</p> <p>(b) Engine (Naphtha), Distillate, carloads.</p> <p>Minimum carload weight in packages 30,000 lbs.</p> <p>Minimum carload weight in tank cars subject to Rule 32 of Current Western Classification.</p>

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G. W. LUCE,  
Freight Traffic Manager,  
San Francisco, Cal.

FROM 1630 TO 1830

1830

THE HISTORY OF THE  
CITY OF BOSTON

FROM 1630 TO 1830

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## RULES AND REGULATIONS—Continued.

Rule No.	
55	<p>Station Changes and Requirements: Prepay requirements at stations, changes in station names, establishment and abandonment of stations and sidings, handling of carload and less than carload freight at stations and sidings and geographical and alphabetical list of stations are governed by Southern Pacific Railroad's G. F. D. Circular No. 263-C (I. C. C. No. 3793), supplements thereto or reissues thereof.</p>
60	<p>Stopping to Load or Unload in Transit: Carload rates apply only to full carload shipments from one consignor at initial point of shipment, consigned and to be delivered to one consignee at one destination.</p> <p>Unless otherwise specifically provided immediately in connection with individual rate items, carload shipments cannot be stopped in transit to partly unload or to complete loading at the rates named in Tariff. All carload shipments so stopped will be subject to the rate to and from the point at which the stop is made.</p>
65	<p>Terminal and Other Charges: Except as otherwise specifically provided shipments made at rates named in this tariff are subject to the Terminal and other Charges, Privileges and Allowances provided in Southern Pacific Railroad's Terminal Tariff No. 230-G (I. C. C. No. 3467), or reissues thereof.</p>
70	<p>Except where lower commodity rates on Petroleum and Petroleum Products classified Fifth Class in Current Western Classification, carloads, are specifically published in Commodity Rate Tariffs, rates made as provided in the following rules will apply.</p> <p>(a) <b>PETROLEUM AND PETROLEUM PRODUCTS, CARLOADS, CLASSIFIED FIFTH CLASS IN CURRENT WESTERN CLASSIFICATION, EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS "B AND C."</b> Where the Fifth Class rate, disregarding the minimum Fifth Class Rate, is the same as the figure shown in Column 1 of Table of Rates, page 24, the rate to apply will be made by adding <math>4\frac{1}{2}</math> cents per 100 lbs., to the figure shown opposite in Column 2; Fifth Class rate from point of origin to destination not to be exceeded.</p> <p>(b) <b>PETROLEUM CRUDE OIL, AND PETROLEUM GAS OIL, STRAIGHT CARLOADS, ALSO PETROLEUM FUEL OIL, VIZ., REFINERY RESIDUUM, STRAIGHT CARLOADS:</b> Where the Class "D" rate, disregarding the minimum Class "D" Rate, is the same as the figure shown in Column 1 of Table of Rates, page 24, the rate to apply will be made by adding <math>4\frac{1}{2}</math> cents per 100 pounds to the figure shown opposite in Column 2; Fifth Class rate from point of origin to destination not to be exceeded.</p> <p>(c) (Applies only on Intrastate Traffic in California).</p> <p><b>ENGINE (NAPHTHA) DISTILLATE, CARLOADS:</b> Where the Fifth Class rate, disregarding the minimum Fifth Class Rate, is the same as the figure shown in Column 1 of Table of Rates, page 24, the rate to apply will be made by adding <math>4\frac{1}{2}</math> cents per 100 pounds to the figure shown opposite in Column 4; Fifth Class rate from point of origin to destination not to be exceeded.</p> <p>Where no published through rates are in effect from point of origin to destination on Petroleum and Petroleum Products, classified Fifth Class, in the Current Western Classification, carloads, and two or more factors are used in arriving at the through rate, such through rate will be constructed in the following manner</p> <p style="text-align: center;"><b>SECTION 1.</b></p> <p><b>RULES FOR CONSTRUCTING PETROLEUM AND PETROLEUM PRODUCTS, CLASSIFIED FIFTH CLASS IN CURRENT WESTERN CLASSIFICATION, CARLOADS, EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 2 AND 3:</b></p> <p>(a) Where the separately established Fifth Class Rate, disregarding the minimum Fifth Class Rate, is the same as the figure shown in Column 1 of Table of Rates, page 24, the factor for basing the through rate will be the figure shown opposite in Column 2</p> <p>(b) Where the separately established Commodity Rate is the same as the figure shown in Column 1 of Table of Rates, page 24, the factor for basing the through rate will be the figure shown opposite in Column 3.</p> <p>(c) To the sum of the factors arrived at by use of formula in paragraph (a), or paragraph (b), or paragraphs (a) and (b), add <math>4\frac{1}{2}</math> cents per 100 pounds; Fifth Class rate from point of origin to destination not to be exceeded.</p>
75	<p>Basis for Making Rates on Petroleum and Petroleum Products, Carloads: (See Note on Title Page, also Rule 40.)</p> <p>Rules for Constructing Combination Rates on Petroleum and Petroleum Products, Carloads: (See Note on Title Page, also Rule 40.)</p>

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San Francisco, Cal.





Rule  
No.

## RULES AND REGULATIONS—Concluded.

## SECTION 2.

## PETROLEUM CRUDE OIL, AND PETROLEUM GAS OIL, STRAIGHT CARLOADS, ALSO PETROLEUM FUEL OIL, VIZ., REFINERY RESIDUUM, STRAIGHT CARLOADS.

(a) Where the separately established Class "D" rate, disregarding the minimum Class "D" Rate, is the same as figure shown in Column 1 of Table of Rates, page 24, the factor for basing the through rate will be the figure shown opposite in Column 2.

(b) Where the separately established Commodity Rate is the same as the figure shown in Column 1 of Table of Rates, page 24, the factor for basing the through rate will be the figure shown opposite in Column 3.

(c) To the sum of the factors arrived at by use of formula in paragraph (a) or paragraph (b) or paragraphs (a) and (b) add  $\frac{1}{2}$  cents per 100 pounds; Fifth Class rate from point of origin to destination not to be exceeded.

Rules for Constructing Combination Rates on Petroleum and Petroleum Products, Carloads—(See Note on Title Page also Rule 40):

75  
Concluded

## SECTION 3.

## ENGINE (NAPHTHA), DISTILLATE, CARLOADS. (Applies only on California Intrastate Traffic).

(a) Where the separately established Fifth Class Rate, disregarding the minimum Fifth Class Rate, is the same as the figure shown in Column 1 of Table of Rates, page 24, the factor for basing the through rate will be the figure shown opposite in Column 4.

(b) Where the separately established Commodity Rate is the same as the figure shown in Column 1 of Table of Rates, page 24, the factor for basing the through rate will be the figure shown opposite in Column 3.

(c) To the sum of the factors arrived at by use of formula in paragraph (a) or paragraph (b) or paragraphs (a) and (b), add  $\frac{1}{2}$  cents per 100 pounds; Fifth Class rate from point of origin to destination not to be exceeded.

⑥ When the total charges on a through continuous movement of Coal and Coke, carloads, are constructed by combination of separately established class rates, or of commodity rates, or of class and commodity rates applying to and from junction or basing points, first determine the through combination of rates, in effect on June 24, 1918, and then increase such through combination of rates by the amount set opposite each such commodity, subject to Rules for disposition of fractions as shown below.

⑦ Published for the Director General of Railroads and filed on 30 days notice with the Interstate Commerce Commission under Freight Rate Authority No. 10 of the Director, Division of Traffic, United States Railroad Administration, dated July 2, 1918.

## COMMODITY

Increase in cents per ton  
of 2,000 lbs.

## COAL:

Where rate is	0 to 49 cents per ton of 2,000 lbs.	15
" " "	50 to 99 cents per ton of 2,000 lbs.	20
" " "	\$1.00 to \$1.99 per ton of 2,000 lbs.	30
" " "	\$2.00 to \$2.99 per ton of 2,000 lbs.	40
" " "	\$3.00 or higher per ton of 2,000 lbs.	50

## COKE:

Where rate is	0 to 49 cents per ton of 2,000 lbs.	15
" " "	50 to 99 cents per ton of 2,000 lbs.	25
" " "	\$1.00 to \$1.99 per ton of 2,000 lbs.	40
" " "	\$2.00 to \$2.99 per ton of 2,000 lbs.	60
" " "	\$3.00 or higher per ton of 2,000 lbs.	75

## RULES FOR DISPOSITION OF FRACTIONS.

Fractions resulting from computing rates provided herein will be disposed of as follows:

## (a) Rates Per 100 Pounds.

Fractions of less than  $\frac{1}{4}$  or .25, omit.  
Fractions of  $\frac{1}{4}$  or .25, or greater, but less than  $\frac{3}{4}$  or .75, state as one-half ( $\frac{1}{2}$ ), or as fifty one-hundredths (.50).  
Fractions of  $\frac{3}{4}$  or .75, or greater, increase to the next whole figure.

## (b) Rates Per Ton.

Amounts of less than five (5) cents, drop the odd cents; thus—\$1.13 when the odd cents are dropped will be \$1.10 per ton.  
Amounts of five (5) cents or more, but less than ten (10) cents, convert to ten (10) cents; thus—\$1.16 when the odd 6 cents are converted to 10 cents will be \$1.20 per ton.

◆Reduction.

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## TABLE OF RATES.

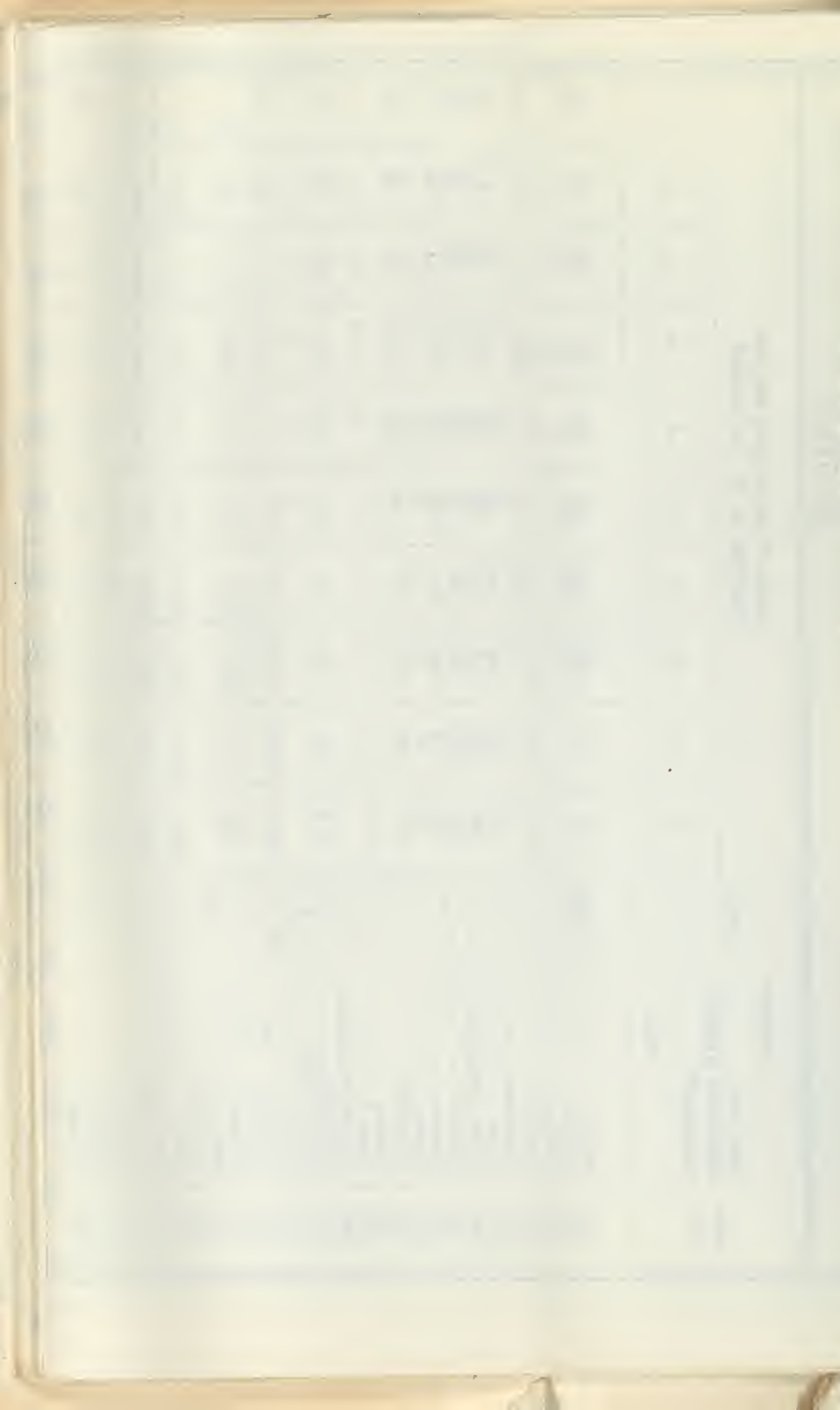
See Rules Nos. 70 and 75 for Instructions Governing Use of this Table.

Column 1	Column 2	Column 3	Column 4	Column 1	Column 2	Column 3	Column 4	Column 1	Column 2	Column 3	Column 4	Column 1	Column 2	Column 3	Column 4
3	2½	.....	2	35½	28½	31	23	68	54½	63½	43½	100½	80½	96	64½
3½	3	.....	2½	36	29	31½	23½	68½	55	64	44	101	81	96½	65
4	3½	.....	2½	36½	29	32	23½	69	55	64½	44	101½	81	97	65
4½	4	.....	3	37	29½	32½	23½	69½	55½	65	44½	102	81½	97½	65½
5	4½	.....	3½	37½	30	33	24	70	56	65½	45	102½	82	98	65½
5½	5	.....	4	38	30½	33½	24½	70½	56½	66	45½	103	82½	98½	66
6	5½	.....	4½	38½	31	34	25	71	57	66½	45½	103½	83	99	66½
6½	6	.....	5	39	31½	34½	25½	71½	57½	67	45½	104	83	99½	66½
7	6½	.....	5½	39½	31½	35	25½	72	57½	67½	46	104½	83½	100	67
7½	7	.....	6	40	32	35½	25½	72½	58	68	46½	105	84	100½	67½
8	7½	.....	6½	40½	32½	36	26	73	58½	68½	47	105½	84½	101	67½
8½	8	.....	7	41	33	36½	26½	73½	59	69	47½	106	85	101½	68
9	8½	.....	7½	41½	33	37	26½	74	59	69½	47½	106½	85	102	68
9½	9	.....	8	42	33½	37½	27	74½	59½	70	47½	107	85½	102½	68½
10	9½	.....	8½	42½	34	38	27½	75	60	70½	48	107½	86	103	69
10½	10	.....	9	43	34½	38½	27½	75½	60½	71	48½	108	86½	103½	69½
11	10½	.....	9½	43½	35	39	28	76	61	71½	49	108½	87	104	69½
11½	11	.....	10	44	35½	39½	28½	76½	61½	72	49	109	87	104½	69½
12	11½	.....	10½	44½	35½	40	28½	77	61½	72½	49½	109½	87½	105	70
12½	12	.....	11	45	36	40½	29	77½	62	73	49½	110	88	105½	70½
13	12½	.....	11½	45½	36½	41	29½	78	62½	73½	50	110½	88½	106	71
13½	13	.....	12	46	37	41½	29½	78½	63	74	50½	111	89	106½	71½
14	13½	.....	12½	46½	37½	42	29½	79	63½	74½	50½	111½	89½	107	71½
14½	14	.....	13	47	37½	42½	30	79½	63½	75	51	112	89½	107½	71½
15	14½	.....	13½	47½	38	43	30½	80	64	75½	51½	112½	90	108	72
15½	15	.....	14	48	38½	43½	31	80½	64½	76	51½	113	90½	108½	72½
16	15½	.....	14½	48½	39	44	31½	81	65	76½	52	113½	91	109	73
16½	16	.....	15	49	39½	44½	31½	81½	65½	77	52	114	91	109½	73
17	16½	.....	15½	49½	39½	45	31½	82	65½	77½	52½	114½	91½	110	73½
17½	17	.....	16	50	40	45½	32	82½	66	78	53	115	92	110½	73½
18	17½	.....	16½	50½	40½	46	32½	83	66½	78½	53½	115½	92½	111	74
18½	18	.....	17	51	41	46½	33	83½	67	79	53½	116	93	111½	74½
19	18½	.....	17½	51½	41½	47	33	84	67	79½	53½	116½	93	112	74½
19½	19	.....	18	52	41½	47½	33½	84½	67½	80	54	117	93½	112½	75
20	19½	.....	18½	52½	42	48	33½	85	68	80½	54½	117½	94	113	75½
20½	20	.....	19	53	42½	48½	34	85½	68½	81	55	118	94½	113½	75½
21	20½	.....	19½	53½	43	49	34½	86	69	81½	55½	118½	95	114	76
21½	21	.....	20	54	43	49½	34½	86½	69½	82	55½	119	95	114½	76
22	21½	.....	20½	54½	43½	50	35	87	69½	82½	55½	119½	95½	115	76½
22½	22	.....	21	55	44	50½	35½	87½	70	83	56	120	96	115½	77
23	22½	.....	21½	55½	44½	51	35½	88	70½	83½	56½	120½	96½	116	77½
23½	23	.....	22	56	45	51½	36	88½	71	84	57	121	97	116½	77½
24	23½	.....	22½	56½	45½	52	36	89	71	84½	57	121½	97	117	77½
24½	24	.....	23	57	45½	52½	36½	89½	71½	85	57½	122	97½	117½	78
25	24½	.....	23½	57½	46	53	37	90	72	85½	57½	122½	98	118	78½
25½	25	.....	24	58	46½	53½	37½	90½	72½	86	58	123	98½	118½	79
26	25½	.....	24½	58½	47	54	37½	91	73	86½	58½	123½	99	119	79½
26½	26	.....	25	59	47½	54½	37½	91½	73½	87	58½	124	99	119½	79½
27	26½	.....	25½	59½	47½	55	38	92	73½	87½	59	124½	99½	120	79½
27½	27	.....	26	60	48	55½	38½	92½	74	88	59½	125	100	120½	80
28	27½	.....	26½	60½	48½	56	39	93	74½	88½	59½	125½	100½	121	80½
28½	28	.....	27	61	49	56½	39½	93½	75	89	60	126	101	121½	81
29	28½	.....	27½	61½	49½	57	39½	94	75	89½	60	126½	101½	122	81½
29½	29	.....	28	62	49½	57½	39½	94½	75½	90	60½	127	101½	122½	81½
30	29½	.....	28½	62½	50	58	40	95	76	90½	61	127½	102	123	81½
30½	30	.....	29	63	50½	58½	40½	95½	76½	91	61½	128	102½	123½	82
31	30½	.....	29½	63½	51	59	41	96	77	91½	61½	128½	103	124	82½
31½	31	.....	30	64	51½	59½	41	96½	77½	92	61½	129	103	124½	83
32	31½	.....	30½	64½	51½	60	41½	97	77½	92½	62	129½	103½	125	83
32½	32	.....	31	65	52	60½	41	97½	78	93	62½	130	104	125½	83½
33	32½	.....	31½	65½	52½	61	42	98	78½	93½	63	130½	104½	126	83½
33½	33	.....	32	66	53	61½	42½	98½	79	94	63½	131	105	126½	84
34	33½	.....	32½	66½	53	62	42½	99	79	94½	63½	131½	105	127	84
34½	34	.....	33	67	53½	62½	43	99½	79½	95	63½	132	105½	127½	84½
35	34½	.....	33½	67½	54	63	43½	100	80	95½	64	132½	106	128	85

Index No.	Between		RATE IN CENTS PER 100 LBS.									
	OAKLAND	CAL.	See Rule No. 45, or as amended.									
	OAKLAND WHARF	"										
	And		1	2	3	4	5	A	B	C	D	E
630	Prince	Cal.	15	14	12½	11½	10	10	10	7½	6½	6½
635	Antioch	"	15	14	12½	11½	10	10	10	7½	6½	6½
640	Newlove	"	15	14	12½	11½	11½	12	10	9	7½	6½
645	Newly	"										
650	Brentwood	"										
655	Byron	"										
660	Byron Hot Springs	"	19	17½	16½	14	12½	12½	10	9½	9½	7½
665	Herdlyn	"	19	17½	16½	14	12½	12½	10	9½	9½	7½
670	Bethany	"	19	17½	16½	14	12½	12½	10	9½	9½	7½
675	Janney	"	20	17½	16½	14	12½	12½	10	9½	9½	7½
680	Flowerfield	"										
685	Tracy	"										
690	Banta	"										
695	San Joaquin Bridge	"	21½	19	17½	15	14	14	10	10	9½	7½
700	Lathrop	"										
705	French Camp	"										
710	Hispoc	"										
715	Stockton	"	22½	20	17½	15	14	14	11½	11	10	7½
720	Armbrust	"	22½	20	17½	15	14	14	11½	11	10	8
725	El Pinal	"										
730	Jam	"										
735	Armstrong	"										
740	Lodi	"	22½	20	17½	15	14	14	11½	11	10	8
745	Woodbridge	"	22½	20	17½	15	14	14	11½	11	10	8
750	Franklyn	"	22½	20	17½	15	14	14	14	14	12½	12½
755	Victor	"										
760	Lockeford	"										
765	Clements	"										
770	Wallace	"	26½	24	21½	19	19	19	18	18	15½	15½
775	Halloway	"	30	27½	24	22½	19	19	19	19	16½	16½
780	Helisma	"	30	27½	24	22½	19	19	19	19	16½	16½
Index No.	Between											
	OAKLAND	CAL.										
	OAKLAND WHARF	"										
	And											
785	Valley Spring	Cal.	31½	29	25	24	20	20	20	20	17½	17½
790	Ciprico	"	22½	20	17½	15	14	14	11½	11	10	8
795	Urgon	"										
800	Acampo	"										
805	Forest Lake	"										
810	Galt	"	22½	20	17½	15	14	14	11½	11	10	9½
815	Vinstow	"	25	21½	17½	15	14	14	11½	11½	10½	10½
820	Clay	"	27½	24	20	16½	14	14	12½	12½	12	12
825	Carbondale	"	32½	29	25	21½	19	19	17½	17½	16½	16½
830	Lignite	"	34	30	26½	22½	20	20	19	18	17½	17½
835	Edwin	"	35	31½	27½	24	21½	21½	20	19	17½	17½
840	Clarksona	"										
845	Dagon	"										
850	Ione	"										

6 Rates apply from and to points named only. Such departure from the terms of the Constitution and Section 24 (a) of the Public Utilities Act is permitted by order of the Railroad Commission of the State of California in Decision No. 3436, dated June 19, 1916, in Case No. 214-A.

Issued by  
G. W. LUCE,  
Freight Traffic Manager,  
San Francisco, Cal.





Index No.	Between		RATE IN CENTS PER 100 LBS. See Rule No. 45, or as amended.									
	POPPY.....CAL.	And	1	2	3	4	5	A	B	C	D	E
5845	Fondo.....Cal.		6½	6½	6½	6½	5	5	5	5	4½	4½
5850	Westmorland....."		14	11½	10	9	7½	7½	7½	7½	7½	7½
Between												
FONDO.....CAL.												
And												
5850	Westmorland.....Cal.		12½	10	9	7½	6½	6½	6½	6½	6½	6½
Between												
CALEXICO.....CAL.												
And												
5830	Estelle.....Cal.		32½	27½	24	20	16½	16½	15½	14½	12½	12½
5835	Calipatria....."		32½	27½	24	20	16½	16½	15½	14½	12½	12½
5855	Bernice....."	}	27½	22½	20	17½	14	14	14	13	11½	11½
5860	Rockwood....."											
5865	Woods....."		25	20	17½	15	12½	12½	12½	12½	10½	10½
5870	Hovey....."											
5875	Brawley....."											
5880	Katsura....."		20	17½	15	12½	10	10	10	10	9½	9½
5885	Melon....."											
5890	Grape....."		17½	15	14	11½	9	9	9	9	9	9
5895	Imperial....."		12½	10	9	7½	6½	6½	6½	6½	6½	6½
5900	El Centro....."		10	9	9	7½	6½	6½	6½	6½	6½	6½
5905	Heber....."		6½	6½	6½	6½	5	5	5	5	4½	4½
Between												
ARAZ JUNCTION.....CAL.												
And												
5980	Cantu.....Cal.		6½	6½	6½	6½	5	5	5	5	4½	4½
Between												
COLORADO.....CAL.												
And												
5995	Bard.....Cal.	}	16½	15	14	12½	12½	12½	12½	12½	12½	12½
6000	Sellew....."											
6005	Laguna....."											
6010	Potholes....."											

Issued by  
G. W. LUCE,  
Freight Traffic Manager,  
San Francisco, Cal.





HOLTON INTER-URBAN RAILWAY COMPANY

# Local Freight Tariff No. 11

(Cancels Local Freight Tariffs No. 8, 9, 10 and Supplements thereto)

NAMING CLASS AND COMMODITY RATES AND RULES AND  
REGULATIONS FOR TRANSPORTATION OF FREIGHT

BETWEEN

**El Centro, California, and Holtville, California,  
and Intermediate Points**

AND

**DEMURRAGE AND STORAGE RULES AND RATES**

Governed, except as otherwise provided herein, by the Western Classification No. 55 (I. C. C. No. 13 of R. C. Fyfe, Agent, and C. R. C. No. 180 of F. W. Gomph, Agent), supplements thereto and reissues thereof; and by exceptions to said classification, Pacific Freight Tariff Bureau Exception Sheet No. 1-F (I. C. C. No. 305 and C. R. C. No. 166 of F. W. Gomph, Agent supplements thereto and reissues thereof.

The rates made effective by this schedule are initiated by the President of the United States, through the Director General, United States Railroad Administration, and apply to both interstate and intrastate traffic.

This schedule is published and filed on one day's notice with the Interstate Commerce Commission under General Order No. 28 of the Director General, United States Railroad Administration, dated May 25th, 1918.

ISSUED JUNE 8, 1918

EFFECTIVE JUNE 25, 1918

Approved by

A. B. WEST, President  
Riverside, California

Issued by

E. B. CRIDDLE, General Agent  
Riverside, California

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## INDEX OF STATIONS

Points named herein from and to which rates apply.

POINTS	FROM EL CENTRO
El Centro .....	Cal. 0.00 Miles East
*Brice .....	" 3.42 Miles East
*Meloland .....	" 6.73 Miles East
*Kimura Spur .....	" 7.23 Miles East
Holtville .....	" 10.47 Miles East

\*Brice, Meloland, and Kimura Spur; non-agency points; freight must be prepaid.

## INDEX OF COMMODITIES

Following list enumerates only such articles as are given specific rates; articles not specified will take Class rates.

COMMODITY	Page	ITEM	COMMODITY	Page	ITEM
Barley, Rolled .....	17	23	Honey .....	18	35
Blocks, Cement Building .....	18	44	Horses .....	17	25
Brick .....	17	24	Ice .....	18	36-37
Cattle .....	17	25	Maize, Milo .....	15	14
Coal .....	17	27	Milk and Cream .....	18	38
Corn, Egyptian & Kaffir .....	15	14	Mules .....	17	25
Cotton .....	17	28-29	Rails and Fastenings .....	18	40
Cotton Seed .....	17	30	Sand .....	18	43
Circus Outfits .....	17	26	Sheep .....	18	41
Doors, Grain .....	18	32	Stone .....	18	43
Exhibits .....	18	42	Ties .....	18	39
Flour .....	18	31	Tile, Building .....	18	44
Grapes .....	15	14	Trunks, not crated .....	20	56
Gravel .....	18	43	Vegetables and Fruit .....	18	45
Hay .....	18	33	Water .....	18	48
Hogs .....	18	34	Wool .....	18	46-47

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**Tag Requirements.**

Note 2: Tags must be made of metal, leather, cloth, or rope stock or sulphite, fibre tag board sufficiently strong and durable to withstand the wear and tear incident to transportation; and

When such cloth or board tag is tied to any bag, bale, bundle or piece of freight, it must be securely attached through a reinforced eyelet.

Tags used to mark wooden pieces or wooden containers must be fastened at all corners and center with large-headed tacks or tag fasteners;

Tags may be tied to wooden pieces when the freight would be injured by the use of tacks or tag fasteners.

Tags tied to bags, bales, bundles or pieces must be securely attached by strong cord or wire, except that when tied to bundles or pieces of metal they must be securely attached by strong wire or strong tarred cord.

15 **Freight Exempt for Marking.**

(b) A shipment that fully occupies the visible capacity of a car, or that weighs 24,000 lbs. or more, when shipped from one station, in or on one car, in one day, by one shipper for delivery to one consignee at one destination, need not be marked.

**Comparing Marks with Shipping Order or Bill of Lading.**

(c) The marks on bundles, packages or pieces must be compared with the shipping order or bill of lading, and corrections, if necessary, made by the shipper or his representative before receipt is signed.

**Old Marks to Be Removed.**

(d) Old consignment marks must be removed or effaced.

**Freight in Excess of Full Cars to Be Marked.**

(e) Freight in excess of full cars must be marked as required for less than carload freight.

**MINIMUM RATES AND CHARGES****Minimum Class Rates in cents per 100 pounds**

15½ No rate shall be applied on any traffic moving under class rates, lower than the amount in cents per one hundred pounds for the respective classes as shown below in the current Western Classification. The minimum rate on any article shall be the rate for the class at which the article is rated in the current Western Classification.

Classes	In Cents per 100 Lbs									
	1	2	3	4	5	A	B	C	D	E
Rates.....	25	21	17½	15	11	12½	9	7½	6½	5

...the ... of ...

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## Section 1.—CLASS RATES

ITEM NO.	BETWEEN El Centro, Cal. AND	In Cents per 100 Lbs.						In Cents per Ton of 2,000 Lbs			
		1	2	3	4	5	A	B	C	D	E
16	*Brice ..... Cal.	25	21	17½	15	11	12½	200	150	130	100
17	*Meloland ..... Cal.	25	21	17½	15	12½	12½	200	150	131½	112½
18	*Kimura Spur .. Cal. }	25	22½	20	15	12½	12½	200	156½	144	125
19	Holtville ..... Cal. }										
20	BETWEEN Brice ..... Cal. AND										
	*Meloland ..... Cal.	25	21	17½	15	11	12½	200	150	130	100
21	BETWEEN Holtville ..... Cal. AND										
	*Brice ..... Cal. }	25	21	17½	15	11	12½	200	150	130	100
22	*Meloland ..... Cal. }										

\*No Agent. Freight must be prepaid.

## COMMODITY RATES

ITEM NO.	COMMODITY	BETWEEN	AND	Rate in Cents Per Ton of 2000 Lbs. except as shown
23	Barley (rolled), in sacks ..... Carloads	El Centro ..... Cal.	Holtville ..... Cal.	94
24	Brick (except glazed and enameled).... Carloads Estimated weight, 5 lbs. per brick. Loaded to space capacity of car.	El Centro ..... Cal.	Holtville ..... Cal.	115
25	Cattle, Horses and Mules ..... Carloads	El Centro.....Cal. Holtville.....Cal.	Meloland.....Cal. Holtville.....Cal. Meloland.....Cal.	Per 36 ft. Car 15.00 15 00
26	Circus Outfits ..... Carloads Including tents, seats, wagons, ani- mals, etc. Company to be released from all liability. Transportation of attendants or members of circus not included.	El Centro.....Cal.	Holtville.....Cal. and intermediate points	15.00 per car
27	Coal ..... Carloads Minimum 40,000 lbs.	El Centro.....Cal.	Holtville.....Cal. and intermediate points	1.45
28	Cotton, in bales ..... Carloads Minimum 16,000 lbs.	Holtville.....Cal. and intermediate points	El Centro.....Cal.	4.00
29	Cotton (seed) in bulk. Carloads Minimum 15,000 lbs.	Holtville.....Cal. and intermediate points	El Centro.....Cal.	4.00
30	Cotton Seed ..... Carloads Minimum 36,000 lbs.	Holtville.....Cal. and intermediate points	El Centro.....Cal.	1.25



(DEFTS. EXHIBIT No. "F.")

TARRIFFS CONTAINING RATES ON SHIPMENTS DURING A PORTION OF THE PERIOD COVERED BY EXHIBIT No. 10 (IN RECORD BEFORE INTERSTATE COMMERCE COMMISSION IN DOCKET 12890) AND TYPICAL OF THE REMAINING PERIOD COVERED BY EXHIBIT No. 10 AND BY EXHIBITS 2, 4 AND 9 (I.C.C. DOCKET 12890).

Tariff Numbers.

ICC-1048, R. H. Countiss, Agent (1-Q).

ICC-6853, AT&SF (11877).

[Endorsed]: Filed 8/27/25. [192]





ONLY THREE SUPPLEMENTS TO THIS TARIFF WILL BE IN EFFECT AT ANY TIME.

**C. R. C. No. 10 of C. C. McCain, Agent**

(Cancels C. R. C. No. 26)

**C. R. C. No. 571 of Eugene Morris, Agent**

(Cancels C. R. C. No. 541)

**C. R. C. No. 380 of R. H. Countiss, Agent**

(Cancels C. R. C. No. 373)

**Ohio No. 615 of Eugene Morris, Agent**

(Cancels Ohio No. 585)

**I. C. C. No. 30 of C. C. McCain, Agent**

(Cancels I. C. C. No. 26)

**I. C. C. No. 682 of Eugene Morris, Agent**

(Cancels I. C. C. No. 647)

**I. C. C. No. 1048 of R. H. Countiss, Agent**

(Cancels I. C. C. No. 1038)

# TRANS-CONTINENTAL FREIGHT BUREAU WEST-BOUND TARIFF No. 1-Q

(Cancels West-Bound Tariff No. 1-P, which took effect April 16, 1917, and all supplements thereto)

— NAMING —

## Local, Joint, Export and Import Class Rates

Governed by Western Classification No. 54 (I. C. C. No. 12 of R. C. Fyfe, Agent), supplements thereto or reissues thereof, except as otherwise provided herein

— AND —

## Local, Joint, Export, Import and Proportional Commodity Rates

Governed by Special Rules and Conditions shown herein

— FROM —

## EASTERN SHIPPING POINTS

Designated on pages 2 to 27, inclusive,

— TO POINTS IN —

**ARIZONA**

**MEXICO**

**NEW MEXICO**

**UTAH**

**CALIFORNIA**

**NEVADA**

**OREGON**

Designated on pages 28 to 61, inclusive.

This tariff contains rates that are higher for shorter distances than for longer distances over the same route, such departure from the terms of the amended Fourth Section of the Act to Regulate Commerce is permitted by authority of Interstate Commerce Commission Orders F. S. Nos. 3136 of date August 2, 1913, 4206, 4208, 4210, 4215 and 4216 of date August 28, 1914, 4859 of date April 27, 1915, 7046 of date November 20, 1917, and as indicated in individual items herein.

**NOTE A.**—By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, this tariff is not made applicable FROM all intermediate points. Upon reasonable request therefor, commodity rates which will not exceed those in effect FROM the next more distant point will (under authority granted by the Interstate Commerce Commission) be established by the carriers parties to this tariff, FROM any intermediate point hereunder, upon one day's notice to the Commission and to the public.

**NOTE B.**—Departure from the Commission's rules in the publication of alternative rates bases authorized in item 26, page 71 is permitted until October 31, 1918, under authority of Interstate Commerce Commission order of September 19, 1917, unless by reissue of or supplement to this tariff it is brought into conformity with the Commission's regulations at an earlier date.

**NOTE C.**—Changes which result from additions of or abandonment of stations and station facilities contained in this tariff are filed under authority of the Interstate Commerce Commission's Fifteenth Section Order No. 250 of January 8, 1918, without formal hearing, which approval shall not affect any subsequent proceeding relative thereto.

### ISSUED FEBRUARY 21, 1918

### EFFECTIVE MARCH 15, 1918

(Except as noted in individual items)

Increased rates in this tariff are filed on ten (10) days' notice under authority of the Interstate Commerce Commission's Fifteenth Section Order No. 283 of January 21, 1918.

Increased rates in this tariff are filed on ten (10) day's notice under authority of the Interstate Commerce Commission's Fifteenth Section Order No. 364 of February 19, 1918, and Fifteenth Section Order No. 367 of February 21, 1918, without formal hearing, which approval shall not affect any subsequent proceeding relative thereto.

Reduced rates published in this tariff to become effective March 15, 1918 are issued on ten (10) days' notice under special permission of the Interstate Commerce Commission No. 45156 of February 14, 1918, to C. C. McCain, Agent, Eugene Morris, Agent, and R. H. Countiss, Agent, for and on behalf of lines for which they act as agents under powers of attorney.

ISSUED JOINTLY BY

**C. C. McCain, Agent,**

143 Liberty Street,

New York, N. Y.

**EUGENE MORRIS, Agent,**

608 South Dearborn Street,

Chicago, Ill.

**R. H. COUNTISS, Agent,**

508 South Dearborn Street,

Chicago, Ill.

(Auth. 4828)

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## PARTICIPATING CARRIERS.

NAME OF CARRIER	POWERS OF ATTORNEY (Filed with I. C. C.)			CONCURRENCES (Filed with I. C. C.)		
	To C. C. McCain	To E. Morris	To R. H. Countiss	To carriers for which C. C. McCain is Agent	To carriers for which E. Morris is Agent	To carriers for which R. H. Countiss is Agent
	FX1-No.	FX1-No.	FX1-No.	FX6-No. (Except as Noted)	FX6-No. (Except as Noted)	FX7-No. (Except as Noted)
Abilene & Southern R'y.....				7	4	1
Ahnapee & Western R'y.....			13	9 (Cor.)	21	12
Akron, Canton & Youngstown R'y Co.....		3				1
Alabama & Vicksburg R'y.....				15	23	5
Alabama Great Southern R. R.....				19 (Cor.)	37	4
Alexandria & Western R'y.....			3			1
Ann Arbor R. R. Co.....		34		23		FX8-No. 18
Anning J. Smith Transportation Lines, Inc. (J. C. C. Van Nuyse, Receiver).....					49	1
Anthony & Northern R'y Co.....			1			
Arcade & Attica R. R. Corporation.....	5			1	5	
Arizona & New Mexico R'y.....			13	3 (Cor.)		
Arizona Eastern R. R.....			14	3 (Cor.)	2	
Arizona Southern R. R. Co.....			7	4	2	
Arkansas & Louisiana Midland R'y Co.....				8	9	16
Arkansas Western R'y.....				20 (Cor.)	18	8
Ashland Coal & Iron R'y Co.....					1	1
Atchison, Topeka & Santa Fe R'y Co.....			38	42	32	
Atlanta & West Point R. R.....				4		1
Atlanta, Birmingham & Atlantic R'y Co. (See Excep- tion 1, page 77).....					1	2
Atlantic City R. R. Co.....	A-1			53		
Atlantic Coast Line R. R. Co.....					66	32
Baltimore & Eastern Shore Transportation Co.....						1
Baltimore & Ohio R. R.: New York, N. Y., Philadelphia, Pa., and points on B. & O. R. R. west thereof and east of Jacobs Creek, Pa., Moundsville, New Martins- ville and Parkersburg, W. Va.....	60	71		28 (Cor.)	FX8-No. 40	FX8-No. 38
Baltimore & Ohio R. R.: Jacobs Creek, Washington, Pa., Wheeling, Moundsville, Parkersburg, W. Va., and west thereof; also points on Ohio River Division Wheeling to Kenova, W. Va., incl.....		71		28 (Cor.)	FX8-No. 40	FX8-No. 38
Baltimore & Ohio R. R. Co. (Lines Columbus, Bel- pre, Ohio, and West).....		46		21 (Cor.)		FX8-No. 48
Baltimore & Ohio Chicago Terminal R. R.....		12	6	3 (Cor.)		6
Baltimore & Sparrows Point R. R.....	13			5	FX8-No. 40	FX8-No. 7
Baltimore, Chesapeake & Atlantic R'y (See Excep- tion 5, page 77).....	10		11	7 (Cor.)		1
Baltimore Steam Packet Co.....						2
Bangor & Aroostook R. R.....						1
Bath & Hammondsport R. R.....	9			24 (Cor.)		FX8-No. 14
Bauxite & Northern R'y.....						2
Beaumont, Sour Lake & Western R'y Co.....	See Gulf Coast Lines.			9 (Cor.)	18	FX8-No. 10
Belt R'y of Chicago.....				18-A	31-A	FX8-No. 28A
Bessemer & Lake Erie R. R.....		31				3
Birmingham & Northwestern R'y Co. (See Excep- tion 10, page 77).....						2
Birmingham Southern R. R. Co.....						FX8-No. 8
Bloomsburg & Sullivan R. R.....	12			7 (Cor.)		FX8-No. A-9
Boston & Albany R. R. (N. Y. C. R. R., Lessee).....	A-1			A-1		1
Boston & Gloucester Steamboat Co.....						FX8-No. 13
Boston & Maine R. R. (J. H. Hustis, Receiver).....	21 (Cor.)			12 (Cor.)		7
Boyne City, Gaylord & Alpena R. R. (Michigan Trust Co., Receiver).....		30			16	
Brimstone R. R. & Canal Co.....			4			
Brownwood North & South R'y Co.....			19			
Buffalo & Susquehanna R. R. Corporation.....	6			10	3	2
Buffalo, Rochester & Pittsburgh R'y.....	30			12 (Cor.)		FX8-No. 17
Bullfrog-Goldfield R. R.....			6	1 (Cor.)	5	
Bush Line (Geo. W. Bush & Sons Co.).....				19		1
Bush Terminal R. R.....	24			12 (Cor.)		FX8-No. 14
Butler County R. R. Co.....					1	3





## PARTICIPATING CARRIERS—Continued.

NAME OF CARRIER	POWERS OF ATTORNEY (Filed with I. C. C.)			CONCURRENCES (Filed with I. C. C.)		
	To C. C. McCain	To E. Morris	To R. H. Countiss	To carriers for which C. C. McCain is Agent	To carriers for which E. Morris is Agent	To carriers for which R. H. Countiss is Agent
	FX1-No.	FX1-No.	FX1-No.	FX8-No. (Except as Noted)	FX6-No. (Except as Noted)	FX7-No. (Except as Noted)
R Cairo, Truman & Southern R'y						1
Cambria & Indiana R. R. (See Exception 15, page 77)	4					1
Canadian Government R'ys (Lines Armstrong, Ont., and East thereof)				4	4	1
Canadian Northern R'y (Lines Port Arthur, Ont., and West thereof)			W-42			
Canadian Northern R'y Co. (Lines Westfort, Ont., and East thereof)			E-2		E-13	
Canadian Pacific Car & Passenger Transfer Co., Ltd.			3	4		
Canadian Pacific R'y			31			
Canadian Pacific R'y (Lines Fort William, Ont., and East thereof)				E-7	E-14	FX8-No. E-6
Carolina & Northwestern R'y. (See Exception 20, page 77)					82	4
Carolina & Yadkin River R'y Co. (See Exception 25, page 77)					82	3
Carolina, Clinchfield & Ohio R'y	31				49	16
Catskill & New York Steamboat Co.						1
Cedar Rapids & Iowa City R'y				6		6
Central California Traction Co. (See Exception 30, page 77)			7		1	
Central Hudson Steamboat Co.					49	1
Central Indiana R'y Co.		30		12		FX8-No. 10
Central New England R'y	12			14 (Cor.)		
Central of Georgia R'y					24	
Central R. R. Co. of New Jersey	11			19 (Cor.)		FX8-No. 20
Central R. R. Co. of Pennsylvania						3
Central R'y of Arkansas			3 (Cor.)			3
Central Vermont R'y	16		15	14 (Cor.)		1
Charles City Western R'y			4		6	
Charleston & Western Carolina R'y. (See Exception 35, page 77)						2
Chesapeake & Ohio R'y (except stations between Winchester and Ashland, Ky.)		45		13		1
Chesapeake & Ohio R'y Co. of Indiana		64		15		FX8-No. 21
Chesapeake Steamship Co.					19	2
Chester Shipping Co.			1			
Chestnut Ridge R'y Co.				2		1
Chicago & Alton R. R.			50	16	32	10
Chicago & Duluth Transportation Co.			4	2 (Cor.)	8	6
Chicago & Eastern Illinois R. R. Co. (William J. Jackson, Receiver)		65		29	45	10
Chicago & Erie R. R.		B-2		17		FX8-No. 23
Chicago & Illinois Midland R'y			16	6	17	5
Chicago & Illinois Western R. R.			9	7	11	10
Chicago & North-Western R'y Co.			53	13 (Cor.)	25	8
Chicago & South Haven Steamship Co.		7	5	2		3
Chicago, Burlington & Quincy R. R.			50	8	22	12
Chicago Great Western R. R.			58	22 (Cor.)		3
Chicago, Harvard & Geneva Lake R'y			14			1
Chicago, Indianapolis & Louisville Line		66		16 (Cor.)		FX8-No. 20
Chicago, Kalamazoo & Saginaw R'y		23				FX8-No. 8
Chicago, Milwaukee & Gary R'y			25	11 (Cor.)	26	11
Chicago, Milwaukee & St. Paul R'y			35	13 (Cor.)		10
Chicago, Peoria & St. Louis R. R. Co. (Bluford Wilson and William Cotter, Receivers)		78	71	18 (Cor.)	47	16
Chicago, Racine & Milwaukee Line		19	15			8
Chicago, Rock Island & Gulf R'y			21	11 (Cor.)	14	8
Chicago, Rock Island & Pacific R'y Co.		191	184	23 (Cor.)	57	
Chicago, St. Paul, Minneapolis & Omaha R'y Co.			16	14	23	9
Chicago, Terre Haute & Southeastern R'y Co.		13	6	3 (Cor.)	16	6
Chicago, West Pullman & Southern R. R.			7		7	
Chippewa Valley & Northern R'y				4		3
Cincinnati, Burnside & Cumberland River R'y				20 (Cor.)	44	
Cincinnati, Findlay & Fort Wayne R'y Co. (John B. Carothers, Receiver)		79		2		1
Cincinnati, Indianapolis & Western R. R. Co.		5		4	6	4
Cincinnati, Lebanon & Northern R'y		70				FX8-No. 14



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	FX1-No.	FX1-No.	FX1-No.	FX2-No. (Except as Noted)	FX3-No. (Except as Noted)	FX7-No. (Except as Noted)
Cincinnati, New Orleans & Texas Pacific R'y				20 (Cor.)	44	8
Cincinnati Northern R. R. Co.		67		38		3
Clarendon & Pittsford R. R. Co. (See Exception 40, page 77)	6			2 (Cor.)		
Cleveland, Cincinnati, Chicago & St. Louis R'y Co.		67		38		3
Clinton & Oklahoma Western R'y Co.				6	2	3
Clinton, Davenport & Muscatine R'y Co. (See Ex- ception 42, page 77)						8
Clyde Steamship Co.			22	8 (Cor.)		4
Coal & Coke R'y		26				FX8-No. 18
Colorado & South-Eastern R. R.			21	11 (Cor.)	17	6
Colorado & Southern R'y			18	11	6	8
Colorado & Wyoming R'y			7	8	14	8
Colorado, Kansas & Oklahoma R. R. Co.			5			2
Colorado Midland R. R. Co.			26	16	12	
Colt's Express Co.						2
Coopers'own & Charlotte Valley R. R.	8					1
Copper Range R. R.			10	7	18	9
Cornwall R. R.	13			9 (Cor.)		FX8-No. 8
Coudersport & Port Allegany R. R. Co.	14	17		7 (Cor.)	15	FX8-No. 10
Crittenden R. R.			2	4	3	2
Crosby Transportation Co.			9	3	32	
Crowley Launch & Tugboat Co.				1		1
Cumberland & Pennsylvania R. R.	21			7 (Cor.)	3	FX8-No. 10
Cumberland Valley R. R.	10 (Cor.)			17 (Cor.)		FX8-No. 20
Danville & Mt. Morris R. R. (A. S. Murray, Jr., Receiver)	13 (Cor.)			5 (Cor.)	13	FX8-No. 7
Danville & Western R'y. (See Exception 45, page 77)					82	4
Dayton & Union R. R. Co.		22		12		FX8-No. 7
Dayton, Toledo & Chicago R. R. Co.		79		29 (Cor.)		FX8-No. 34
Deering Southwestern R'y						1
Delaware & Hudson Co.	18			13 (Cor.)	15	FX8-No. 19
Delaware & Northern R. R.	2					
Delaware, Lackawanna & Western R. R.	14 (Cor.)	17		FX6-No. 14	17	FX8-No. 24
Delaware River Transportation Co.						1
Denison & Pacific Suburban R'y Co.			19	7	FX8-No. 8	
Denver & Rio Grande R. R. (Alexander R. Baldwin and Edwin L. Brown, Receivers.) (See Exception 50, page 77)			40	7 (Cor.)	9	
De Queen & Eastern R. R.						2
Detroit & Huron R'y Co.		1			2	1
Detroit & Mackinac R'y		25			28	
Detroit & Toledo Short Line R. R.		44		9 (Cor.)		FX8-No. 11
Detroit, Bay City & Western R. R. Co.		3			1	FX8-No. 3
Detroit, Toledo & Ironton R. R. Co.		1		10	3	FX8-No. 6
Doniphan, Kensett & Searcy R'y						2
Duluth, Missabe & Northern R'y Co. (See Exception 52, page 77)					10	
Duluth, South Shore & Atlantic R'y			17	3-C	11-D	4-B
Duluth, Winnipeg & Pacific R'y (See Exception 53, page 77)			W-42			
Durham & South Carolina R. R. Co. (See Exception 55, page 77)					63	1
Durham & Southern R'y Co. (See Exception 60, page 77)					82	4
Eastern Steamship Lines, Inc. (See Exception 62, page 77)	7			4	8	1
East Jordan & Southern R. R. Co.		12	10			6
Eastport Transport Co.			2			1
El Dorado & Wesson R'y Co.					3	1
Elgin, Joliet & Eastern R'y		62		20 (Cor.)	28	11





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	FX1-No.	FX1-No.	FX1-No.	FX8-No. (Except as Noted)	FX8-No. (Except as Noted)	FX7-No. (Except as Noted)
El Paso & Southwestern System:						
El Paso & Northeastern R. R. Co.			25	A-1	A-2	
El Paso & Southwestern Co.			10	A-1	A-2	
El Paso & Southwestern R. R. Co.			21	A-1	A-2	
El Paso & Southwestern R. R. Co. of Texas			23	A-1	A-2	
Erle R. R. Co. (Lines east of Buffalo and Salamanca)	17			24 (2nd Cor.)		FX8-No. 30
Erle R. R. Co. (Lines Buffalo, Salamanca and west thereof)		A-3		17		FX8-No. 23
Escanaba & Lake Superior R. R.			10	9 (Cor.)	14	10
Evansville & Indianapolis R. R. (Wm. P. Kappes, Receiver)		65		4	45	1
E. V. Rideout Co.				1	1	2
Fairchild & Northeastern R'y				4 (Cor.)	18	8
Fernwood & Gulf R. R. Co. (See Exception 65, page 77)						2
Fonda, Johnstown & Gloversville R. R.	10			8 (Cor.)		1
Fordyce & Princeton R. R.						1
Fort Dodge, Des Moines & Southern R. R. Co.				17 (Cor.)	30	13
Fort Smith & Western R. R. Co. (Arthur L. Mills, Receiver)			11		15	7
Fort Wayne, Cincinnati & Louisville R. R.		47		17 (Cor.)		FX8-No. 21
Fort Worth & Denver City R'y				23	7	3
Fort Worth & Rio Grande R'y Co.				14		7
Fourche River Valley & Indian Territory R'y						1
Frankfort & Cincinnati R'y			4			FX8-No. 31
Fresno Interurban R'y						
Galveston, Harrisburg & San Antonio R'y			26	22	17	
Georgia R. R.						9
Gettysburg & Harrisburg R'y Co.	A-1			53		2
Glenmora & Western R'y						1
Goodrich Transit Co.		43	41	10		11
Gould Southwestern R'y (W. H. Roberts, Receiver)				3	7	2
Grafton & Upton R. R.	14 (Cor.)			7 (Cor.)		FX8-No. 11
Graham & Morton Transportation Co. (The Michigan Trust Co., Receiver)		20		4		4
Grand Rapids & Indiana R'y		32		7 (Cor.)		FX8-No. 10
Grand Rapids, Grand Haven & Muskegon R'y (See Exception 70, page 77)			7 (Cor.)	5		3
Grand Trunk R'y System (Lines east of Detroit and St. Clair Rivers)	31	35	17	11		FX8-No. 12
Grand Trunk R'y System (Lines west of Detroit and St. Clair Rivers)		44		13		FX8-No. 14
Great Northern Pacific Steamship Co. (See Exception 71, page 77)			1			
Great Northern R'y Co.			34	46	3	
Great Western R'y				6	6	7
Green Bay & Western R. R.			13	9 (Cor.)	21	12
Greenwich & Johnsonville R'y	17					1
Gulf & Sabine River R. R. (Fullerton Division)				6	4	4
Gulf & Ship Island R. R. (See Exception 72, page 78)			28			
Gulf Coast Lines:						
Baumont, Sour Lake & Western R'y			38	18 (Cor.)	26	18
Louisiana Southern R'y (N. O. T. & M. R'y Co., Lessee)				5	6	8
New Orleans, Texas & Mexico R'y Co.			33	21	17	19
Orange & Northwestern R. R. Co.				10	11	9
St. Louis, Brownsville & Mexico R'y Co.			33		7	
Gulf, Colorado & Santa Fe R'y Co.			41	42	32	
Gulf, Mobile & Northern R. R. Co.				7	5	2
Gulf, Texas & Western R'y Co.						1
Hagerstown & Frederick R'y Co.	21			83	60	19
Hardwick & Woodbury R. R.						FX8-No. 40
Harlem & Morrisania Transportation Line					49	1





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Hartford & New York Transportation Co.						5
Helena, Parkin & Northern R'y			13		12	1
Hill Steamboat Line						8
Hoboken Manufacturers' R. R.	20			10 (Cor.)		
Hocking Valley R'y		45		10 (2nd Cor.)		FX8-No. 14
Houston & Brazos Valley R'y Co. (Geo. C. Morris, Receiver)						1
Houston & Shreveport R. R.				18	17	10
Houston & Texas Central R. R.				18	17	8
Houston East & West Texas R'y				5	17	9
Hudson Navigation Co.				8	49	3
Huntingdon & Broad Top Mountain R. R. & Coal Co.	13					
Iberia & Vermillion R. R.			14			
Illinois Central R. R.		152	145	14 (Cor.)		
Illinois Northern R'y			37		40	
Illinois Southern R'y			21	11	25	10
Illinois Terminal R. R.			35	10		
Indiana Harbor Belt R. R.		38		16 (Cor.)		12
International & Great Northern R'y Co. (James A. Baker, Receiver)				27	FX8-No. 21	11
Inter-Urban R'y Co.				7	13	4
Iowa & St. Louis R'y			14	10 (Cor.)	16	21
Iowa & Southwestern R'y					1	1
Iowa Southern Utilities Co.		3			7	
Ironton R. R.	21			2 (Cor.)		FX8-No. 4
Jonesboro, Lake City & Eastern R. R.				6		3
Kalamazoo, Lake Shore & Chicago R'y Co.		1			2	2
Kanawha & Michigan R'y		33		9 (Cor.)		FX8-No. 11
Kanawha, Glen Jean & Eastern R. R. Co.	10			24		13
Kane & Elk R. R. Co.	15		13	9		5
Kansas City & Memphis R'y Co. (J. E. Felker and R. C. Bright, Receivers)			1	3		2
Kansas City, Clinton & Springfield R'y			12	1	19	7
Kansas City, Kaw Valley & Western R'y						2
Kansas City, Mexico & Orient R. R. Co. (William T. Kemper, Receiver)				20	26	26
Kansas City, Mexico & Orient R'y Co. of Texas			128	20	26	26
Kansas City Northwestern R. R. (L. S. Cass, Re- ceiver)				7	1	1
Kansas City Southern R'y				23	18	8
Kansas Southwestern R'y			12	18	FX8-No. 19	
Kewaunee, Green Bay & Western R. R.			13	9 (Cor.)	21	12
Kinder & Northwestern R. R. Co. (See Exception 75, page 78)						2
Lackawanna & Wyoming Valley R. R. Co.	14					FX8-No. 8
La Crosse & Southeastern R'y					9	5
Lake Charles & Northern R. R. Co.			2	4		4
Lake Erie & Western R. R.		49		17 (Cor.)		FX8-No. 21
Lakeside & Marblehead R. R.		23				FX8-No. 2
Lake Superior & Ishpeming R'y			12	11	21 (Cor.)	5
L'Angeuille River R'y Co.			3	4		1
Las Vegas & Tonopah R. R.				2 (2nd Cor.)	2	
Leavenworth & Topeka R'y Co. (W. A. Austin, Re- ceiver)			6			
Lehigh & Hudson River R'y	16			42	32	FX8-No. 15
Lehigh & New England R. R.	23			12 (Cor.)		FX8-No. 14
Lehigh Valley R. R.	11			11 (Cor.)		FX8-No. 35
Litchfield & Madison R'y			31	36		
Little Rock, Maumelle & Western R. R.				14	27	11
						2

CHICAGO, ILL. 60607

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 5 EAST LEXINGTON AVENUE  
 NEW YORK, N.Y. 10017-2453  
 212/850-6000

Printed in Great Britain

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Long Island R. R.	18			12 (Cor.)		
Lorain & West Virginia R'y.		7				FX8-No. 4
Lorain, Ashland & Southern R. R. Co.		1				2
Los Angeles & Salt Lake R. R. Co.			6	2	2	
Louisiana & Arkansas R'y.				11 (Cor.)	16	8
Louisiana & North West R. R. (Geo. W. Hunter, Receiver)					10	3
Louisiana & Pacific R'y.						8
Louisiana & Pine Bluff R'y Co.						1
Louisiana Railway & Navigation Co.				16	23	10
Louisiana Southern R'y Co. (New Orleans, Texas & Mexico R'y Co., Lessee)	See Gulf Coast Lines.					
Louisiana Western R. R.			19	9 (Cor.)	8	
Louisville & Nashville R. R. Co. (See Exception 80, page 78)		55		25 (Cor.) 9	44	FX8-No. 31 FX8-No. 7
Louisville, Henderson & St. Louis R'y.						1
Lufkin, Hemphill & Gulf R'y.						
Maine Central R. R. Co.	C-4			C-8 (Cor.)		FX8-No. C-10
Maine Coast Co.				3		1
Mallory Steamship Co.			48	5		
Manchester & Oneida R'y Co.						FX8-No. 2
Manitsee & Northeastern R. R.		35				FX8-No. 11
Manistique & Lake Superior R. R.		9	8	2	4	4
Mansfield R'y & Transportation Co.			10			2
Manufacturers R'y Co.			10			
Marquette, Tahawak & Western R. R. Co.				3	5	4
Marquette & Bessemer Dock & Navigation Co.				18-A	31-A	FX8-No. 28-A
Marshall & East Texas R'y Co. (Bryan Snyder, Receiver)		14		8	6	1
Maryland & Pennsylvania R. R.	11 (Cor.)			9	FX8-No. 40	FX8-No. 12
Maryland, Delaware & Virginia R'y.	10		11	6 (Cor.)		1
Mason City & Clear Lake R'y Co.			15			
Memphis, Dallas & Gulf R. R.				6	9	5
Meridian & Memphis R'y Co.					5	3
Michigan Central R. R. Co.		51		23		5
Michigan East & West R'y Co.		8 (Cor.)				FX8-No. 2
Michigan R'y Co.		1		3	4	1
Middlesex Transportation Co.			8 (Cor.)		49	1
Midland Valley R. R.			24	8	9	
Mineral Point & Northern R'y Co.			9	8		11
Mineral Range R. R.				M. R. 15	11-D	8-B
Minkler Southern R'y.				A-3		
Minneapolis & St. Louis R. R. Co.				22	B-1	
Minneapolis, St. Paul & Sault Ste. Marie R'y.				24	B-3	
Minneapolis, St. Paul, Rochester & Dubuque Elec- tric Traction Co. (C. E. Warner, Receiver) (See Exception 82, page 78)			15	9	19	
Mississippi Central R. R.				18	20	5
Mississippi River & Bonne Terre R'y.						3
Missouri & North Arkansas R. R. Co. (Foster J. Wade, Receiver)				8	20	7
Missouri, Kansas & Texas R'y Co. (C. E. Schaff, Receiver)			23	23		
Missouri, Kansas & Texas R'y Co. of Texas (C. E. Schaff, Receiver)			28	25		
Missouri, Oklahoma & Gulf R'y Co. (Alexander New and Henry C. Ferris, Receivers)			29	5	20	8
Missouri, Oklahoma & Gulf R'y Co. of Texas			19	3		3
Missouri Pacific R'y Co. (B. F. Bush, Receiver)			137	87	FX8-No. 82	
Missouri Pacific R. R. Co.			137	87	FX8-No. 82	
Missouri Pacific R. R. Corporation in Illinois		143	138	87	FX8-No. 32	
Missouri Pacific R. R. Corporation in Nebraska			137	87		
Mobile & Ohio R. R. Co.			99	13	35	
Modesto & Empire Traction Co.						1
Monongahela R'y Co.	4			5	FX8-No. 2	FX8-No. 8
Montour R. R. Co.		23				

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## PARTICIPATING CARRIERS—Continued.

NAME OF CARRIER	POWERS OF ATTORNEY (Filed with I. C. C.)			CONCURRENCES (Filed with I. C. C.)		
	To C. C. McCain	To E. Morris	To R. H. Countiss	To carriers for which C. C. McCain is Agent	To carriers for which E. Morris is Agent	To carriers for which R. H. Countiss is Agent
	FX1-No.	FX1-No.	FX1-No.	FX8-No. (Except as Noted)	FX8-No. (Except as Noted)	FX7-No. (Except as Noted)
Montpelier & Wells River R. R.	11			17 (Cor.)		FX8-No. 20
Morenci Southern R'y Co.			5	6	3	
Morgan's Louisiana & Texas R. R. & S. S. Co.			24	8 (Cor.)		
Morgantown & Kingwood R. R.	15			4	FX8-No. 40	FX8-No. 6
Morristown & Erie R. R.	12			14		
Moshassuck Valley R. R.	11			18	17	
Mt. Jewett, Kinzua & Rittersville R. R. Co.	7			6	4	2
Munising, Marquette & Southeastern R'y			1	3	7	1
Muscatine, Burlington & Southern R. R. Co.		6		11	7	6
Nashville, Chattanooga & St. Louis R'y				26	25	5
Natchez & Southern R'y				12	15	5
Nevada-California-Oregon R'y			8	5		11
Nevada Northern R'y			2	2 (Cor.)	3	FX8-No. 2
Newark & Marion R'y Co. (Harold C. Beatty, Receiver)	12 (Cor.)			7 (Cor.)		FX8-No. 9
Newark Express & Transportation Co.				2 (Cor.)	49	1
Newark Lighterage Co.						2
New England Steamship Co.				6		FX8-No. 4
New Iberia & Northern R. R. (See Exception 85, page 78)			11		3	
New Jersey & New York R. R.	9			24 (Cor.)		FX8-No. 15
New Jersey, Indiana & Illinois R. R.		19	17			
New Mexico Central R. R. Co. (Ralph E. Twitchell, Receiver)				8 (Cor.)	2	5
New Orleans & Northeastern R. R.				14	23	5
New Orleans Great Northern R. R.			12		22	8
New Orleans, Texas & Mexico R'y Co.	See Gulf Coast Lines.					
New York & Hastings Steamboat Co.					49	1
New York & Long Branch R. R.	13			14 (Cor.)		FX8-No. 16
New York & New Jersey Steamboat Co.					49	1
New York & Pennsylvania R'y	13 (Cor.)			9 (2nd Cor.)		FX8-No. 11
New York Central R. R. Co. (Line Buffalo, N. Y., Clearfield, Pa., and East)	N. Y. C. No. 3			N. Y. C. No. 4	FX8-N. Y. C. No. 8	FX8-N. Y. C. No. 5
New York Central R. R. Co. (Line Buffalo, N. Y., Clearfield, Pa., and West)		L. S. Series No. 1		L. S. Series No. 3	L. S. Series No. 4	L. S. Series No. 1
New York, Chicago & St. Louis R. R.		63		14		FX8-No. 22
New York, New Haven & Hartford R. R.	18 (Cor.)			18	17	
New York, Ontario & Western R'y	13			10 (Cor.)		FX8-No. 11
New York, Philadelphia & Norfolk R. R.	13		14	14		
New York, Susquehanna & Western R. R.	9			24 (Cor.)		FX8-No. 18
New York, Westchester & Boston R'y Co.	4					1
Norfolk & Washington (D. C.) Steamboat Co.						4
Norfolk & Western R'y Co.		73		25 (Cor.)	49	1
Norfolk Southern R. R. Co.				11	26	10
North & East River Steamboat Co.					49	2
Northern Alabama R'y				68 (Cor.)	82	4
Northern Electric R'y Co. (John P. Coghlan, Re- ceiver)			5			1
Northern Electric R'y Co., Marysville and Colusa Branch						1
Northern Michigan Transportation Co.		28				9
Northern Ohio R'y		47		17 (Cor.)		FX8-No. 21
Northern Pacific R'y Co.			19	38	FX8-No. 31	
North Louisiana & Gulf R. R.						1
North Pacific Steamship Co. (See Exception 87, page 78)						1
Northwestern Pacific R. R.				7 (Cor.)	9	1
Norwich & New York Propeller Co.				4	49	1
Oakdale & Gulf R'y Co.						1
Oakland, Antioch & Eastern R'y			5	1		
Ocean Steamship Co. of Savannah					13	1
Oklahoma, New Mexico & Pacific R'y Co.			3			
Oklmulgee Northern Railway			4			5
Old Dominion Steamship Co.					48	1

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## PARTICIPATING CARRIERS—Continued.

NAME OF CARRIER	POWERS OF ATTORNEY (Filed with I. C. C.)			CONCURRENCES (Filed with I. C. C.)		
	To C. C. McCain	To E. Morris	To R. H. Countiss	To carriers for which C. C. McCain is Agent	To carriers for which E. Morris is Agent	To carriers for which R. H. Countiss is Agent
	FX1-No.	FX1-No.	FX1-No.	FX8-No. (Except as Noted)	FX8-No. (Except as Noted)	FX7-No. (Except as Noted)
Orange & Northwestern R. R. Co.	See Gulf Coast Lines.					
Oregon Short Line R. R. (See Exception 90, page 78)			40	4	3	
Ouchita Valley R'y Co.			7		8	
Pacific Electric R'y Co. (See Exception 95, page 78).			12	2	1	3
Pacific Steamship Co.				1	1	2
Panhandle & Santa Fe R'y Co.			8	42	32	
Paris & Great Northern R. R. Co.				35	34	8
Paris & Mt. Pleasant R. R.				1	2	1
Pascagoula-Moss Point Northern R. R. Co.						2
Peninsular R'y Co. (See Exception 100, page 78)						1
Pennsylvania R. R. Co.	31 (Cor.)			43 (Cor.)		FX8-No. 106
Pennsylvania R. R. Co. (Western Lines)		95		FX6-No. 32	37	FX8-No. 30
Pennsylvania Terminal R'y		29	28		18	FX8-No. 15
Peoria R'y Terminal Co.		31		18		10
Pere Marquette Line Steamers.		62		7	12	FX8-No. 10
Pere Marquette R'y Co.				11 (Cor.)	33	FX8-No. 18
Petaluma & Santa Rosa R'y			3	2	1	
Philadelphia & Reading R'y Co.	A-1			53		
Pittsburgh & Lake Erie R. R. Co.		44		7 (Cor.)		FX8-No. 35
Pittsburgh & West Virginia R'y Co.		3				FX8-No. 3
Pittsburgh, Chartiers & Youghiogheny R'y Co.		33		4		FX8-No. 5
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co.		121		FX6-No. 36	11	FX6-No. 19
Pittsburgh, Lisbon & Western R. R. Co.		28		12 (Cor.)		FX8-No. 16
Pittsburg, Shawmut & Northern R. R. (Frank Sullivan Smith, Receiver)	11			9 (Cor.)		FX8-No. 12
Pittsburgh & Shawmut R. R.	4			6		FX8-No. 3
Pontiac, Oxford & Northern R. R.		27				FX8-No. 5
Port Chester Transportation Co.					49	
Prattsburgh R'y Corporation	7					FX8-No. 6
Prescott & Northwestern R. R. Co.			3	6	14	7
Quannah, Acme & Pacific R'y Co.					10	8
Quincy, Omaha & Kansas City R. R.			12	10 (Cor.)	18	21
Rahway Valley Co.	4		5	4 (Cor.)		4
Rapid R. R.		18		7 (Cor.)		FX8-No. 10
Raritan River R. R.	18			20 (Cor.)		FX8-No. 22
Red River & Gulf R. R.						5
Reynoldsville & Falls Creek R. R.	11					
Rhode Island Company				18	17	
Richmond, Fredericksburg & Potomac R. R.	28			12 (Cor.)		FX8-No. 16
Rio Grande & Eagle Pass R'y				D-1		D-6
Rio Grande, El Paso & Santa Fe R. R. Co.		7		42	32	
Rock Island Southern R. R.		8		6	4	
Rock Island Southern R'y		8		7	4	
Roscoe, Snyder & Pacific R'y						4
Rutland R. R.	16			15 (Cor.)		FX8-No. 18
Sacramento & Woodland R. R.						1
St. Johnsburg & Lake Champlain R. R.	20 (Cor.)			12 (Cor.)		FX8-No. 13
St. Joseph & Grand Island R'y				12 (Cor.)	19	8
St. Joseph-Chicago Steamship Co.		1				1
St. Joseph Valley R'y Co.		7				4
St. Lawrence & Adirondack R'y	4					FX8-No. 5
St. Louis & Hannibal R'y				11	26	11
St. Louis, Brownsville & Mexico R'y Co.	See Gulf Coast Lines.					
St. Louis, El Reno & Western R'y Co. (Arthur L. Mills, Receiver)			10		15	7





## PARTICIPATING CARRIERS—Continued.

NAME OF CARRIER	POWERS OF ATTORNEY (Filed with I. C. C.)			CONCURRENCES (Filed with I. C. C.)		
	To C. C. McCain	To E. Morris	To R. H. Countiss	To carriers for which C. C. McCain is Agent	To carriers for which E. Morris is Agent	To carriers for which R. H. Countiss is Agent
	FX1-No.	FX1-No.	FX1-No.	FX8-No. (Except as Noted)	FX6-No. (Except as Noted)	FX7-No. (Except as Noted)
St. Louis, Kennett & Southeastern R. R. Co. (See Exception 105, page 78)						3
St. Louis Merchants Bridge Terminal R'y Co.				11 (Cor.)	FX7-No. 13	11
St. Louis-San Francisco R'y Co.			153	35	34	8
St. Louis, San Francisco & Texas R'y Co.				27	19	13
St. Louis Southwestern R'y Co.				30 (Cor.)	FX8-No. 43	3
St. Louis Southwestern R'y Co. of Texas.				17 (Cor.)	6	2
Salina Northern R. R.						1
San Antonio & Aransas Pass R'y						4
San Antonio, Uvalde & Gulf R. R. Co. (Duval West and A. R. Ponder, Receivers)						2
San Diego & Arizona R'y Co.				3	1	3
Sand Springs R'y Co.						2 (Cor.)
Sandy River & Rangeley Lakes R. R.	4			5 (Cor.)		FX8-No. 7
Santa Maria Valley R. R.			1			1
Saugerties & New York Steamboat Co.					49	1
Seaboard Air Line R'y Co.				20	63	30
Sidell & Olney R. R. Co.		4		4	4	4
South Brooklyn R'y Co.	24			8 (Cor.)	49	FX8-No. 10
Southern Pacific Co.			21	12 (Cor.)	13	
Southern Pacific Co.-Atlantic S. S. Lines (Morgan Line)			A-27 A-3	A-5, A-6		
Southern Pacific R. R. Co. of Mexico				68 (Cor.)	82	4
Southern R'y Co. (See Exception 110, page 78)						
Southern R'y, line east of East St. Louis, Ill., to Louisville, Ky., inclusive, including branches; also all stations in Kentucky, except Fonde and Middlesboro.		C-45		68 (Cor.)	C-25	C-5
Southern R'y in Mississippi			32	6		
South Manchester R. R. Co.				18	17	
Southwestern R'y Co. (A. C. Parks, Receiver)			10			
Spokane, Portland & Seattle R'y			9	6	5	
Stanley, Merrill & Phillips R'y Co.			8		9	
Starin New Haven Line					49	1
Staten Island Rapid Transit R'y	13			15 (Cor.)		
Stewartstown R. R.	12			16 (Cor.)		
Stones Express, Incorporated	6					3
Sugarland R'y Co.						FX8-No. 1
Sunset Railway Co.						2
Susquehanna & New York R. R.	12 (2nd Cor.)			9 (Cor.)		FX8-No. 12
Susquehanna, Bloomsburg & Berwick R. R.	12			10		FX8-No. 16
Tennessee, Alabama & Georgia R. R. Co.			10			2
Tennessee Central R. R. (W. K. McAllister and H. W. Stanley, Receivers)						4
Terminal R. R. Ass'n of St. Louis.				11 (Cor.)	FX7-No. 13	11
Texarkana & Fort Smith R'y			22	13 (Cor.)	17	8
Texas & New Orleans R. R.			17	9 (Cor.)	15	
Texas & Pacific R'y (J. L. Lancaster and Pearl Wight, Receivers)			31	37	FX8-No. 38	
Texas City Terminal Co.			16	7	14	9
Texas Mexican R'y Co.			7	8	8	
Texas Midland R. R.				10 (Cor.)	9	7
Texas, Oklahoma & Eastern R. R.			2			2
Texas Short Line R'y Co.			13		16	1
Texas South-Eastern R. R. Co.						1
Texas State R. R.						3
Thornton & Alexandria R'y					1	
Tidewater Southern R'y			7			
Tidewater Transportation Co.						1
Timpson & Henderson R'y				8 (Cor.)		FX8-No. 11
Tionesta Valley R'y	12 (Cor.)			8 (Cor.)	31	FX8-No. 11
Toledo & Ohio Central R'y		43				

\*Effective April 15, 1918. ELIMINATE. Line abandoned. See Note C on title page.

\*Issued under authority of and in compliance with order of Interstate Commerce Commission in Case No. 7244 of January 12, 1918. Must be maintained for a period of two years from March 15, 1919.





## Index of Articles for which Commodity Rates are provided on pages 67 and 141 to 421, inclusive.

ARTICLES	Item No.	ARTICLES	Item No.	ARTICLES	Item No.
Nutlocks, iron or steel, 2860, 2865, 4654 to 4674, incl., 4676, 4678, 4808 to 4918, incl., 4924, 5758 to 5766, incl.	1695	Oil, pine,.....	3220, 5026, 5028	Packing, flax.....	3250
Nutmegs.....	2785	Oil, pine tar, flotation.....	5382	Packing, grass.....	3245, 3250
Nuts, axle.....	2785	Oil, rape seed.....	3220, 5026	Packing, hay.....	3245, 3250
Nuts, brass, bronze or copper.....	435, 410	Oil, red.....	3220, 5026	Packing, hemp.....	3245
Nuts, edible.....	1370	Oil, resin.....	3220, 5026	Packing, jute.....	3245
Nuts, iron or steel, 2860, 2865, 3080, 4858 to 4878, incl., 4880 to 4896, incl., 4654 to 4674, incl., 4676, 4678, 4898 to 4918, incl., 4924, 4938, 4940, 5758 to 5766, incl.	435, 410	Oil, rubber.....	3220, 5026	Packing, metallic.....	3250
Nuts, iron or steel, 2860, 2865, 3080, 4858 to 4878, incl., 4880 to 4896, incl., 4654 to 4674, incl., 4676, 4678, 4898 to 4918, incl., 4924, 4938, 4940, 5758 to 5766, incl.	435, 410	Oil, salad, 465, 3385, 4098 to 4110, incl., 5576, 5928	5358	Packing, raw-hide.....	3250
Nuts, track.....	3450, 5088, 5868, 5882	Oil, solar.....	5358	Packing, rubber.....	1100
Nuts, vehicle.....	2785, 3865	Oil, tallow, 1410, 1415, 3220, 5026, 5034 to 5050, incl., 5052 to 5068, incl., 5388, 5390, 5392, 5394, 5396, 5818, 5952	5358	Packing, rubber and canvas.....	1100
		Oil, transformer.....	760	Packing, soapstone.....	3250
		Oil, "Y".....	3220, 5026	Packing, straw.....	3245, 3250
		Oilers, hand.....	3220, 5026	Packing, table, quilted cotton.....	710
		Oils, compounded petroleum, 324, 3755	3220, 5026	Pads, collar.....	2660
		Oils, cooking (cottonseed), 1410, 1415, 5034 to 5050, incl., 5052 to 5068, incl., 5818	3220, 5026	Pads, cotton.....	2320, 2325
		Oils, floor.....	1505	Pads, harness.....	2660
		Oils, lubricating.....	3235	Pads, horseshoe.....	1425
		Oils, medicinal.....	700, 2315	Pads, sweat.....	2660
		Oils, paint.....	3220, 5026	Pads, table, quilted cotton.....	710
		Oils, transeol, 33, 760, 3220, 5026, 5778 to 5792, incl.	3220, 5026	Pails, iron or steel.....	3755
		Oleomargarine, 685, 4300 to 4316, incl., 5630	3220, 5026	Pails, paper, 1445, 1920, 3300, 3955, 5234 to 5248, incl., 5904	3755
		Olives, canned, 465, 4098 to 4110, incl., 5576, 5928	3220, 5026	Pails, pulpboard.....	1445, 3300
		Olives, pickled.....	3385	Pails, sheet iron.....	3755, 3760
		Omnibusses, vault, iron.....	1170	Pails, tin.....	1745, 3725, 5898
		Onions.....	875	Pails (with mop wringer attachment), 1920, 3955, 5234 to 5248, incl., 5904	3755, 3760
		Onions, pickled, 465, 3385, 4098 to 4110, incl., 5576, 5928	1170	Pails, wooden or fibre, 1920, 3955, 5234 to 5248, incl., 5904	3755, 3760
		Onyx.....	1700, 3665	Pails, woodpulp.....	1445, 3300
		Openers, bottle.....	111, 2545	Paint.....	1430, 5820
		Openers, can.....	111, 2545	Paint, chemical, dry.....	3265, 3275
		Ore, bauxite.....	5384	Paint, chemical, in oil.....	3265, 3275
		Ore, chrome, 595, 4198 to 4212, incl., 5580 to 5592, incl.	5384	Paint, earth, dry.....	3265, 3275
		Ore, iron.....	1400	Paint, earth, in oil.....	3265, 3275
		Ores, antimony.....	5428	Paint, lead and zinc, combined, dry.....	3265, 3275
		Organs.....	1335	Paint, lead and zinc, combined, in oil.....	3265, 3275
		Organs, pipe.....	1335	Paint, lead, in oil.....	3265, 3275
		Organs, upright.....	1335	Paint, lithopone.....	3265, 3275
		Ornaments, stove.....	5960	Paint, mineral, dry.....	3265, 3275
		Ornaments, turned wood.....	2455	Paint, mineral, in oil.....	3265, 3275
		Ovens, bake, cast-iron.....	2715	Paint, prepared, in oil.....	3265, 3275
		Ovens, bakers'.....	1080	Paint, zinc, dry.....	3265, 3275
		Ovens, portable bake.....	2680	Pajamas, linen or cotton.....	630
		Ovens, sheet iron.....	5960	Pans, agitator.....	5778 to 5792, incl.
		Ovens, stove.....	2685, 5962	Pans, amalgamating, 33, 5778 to 5792, incl.	5778 to 5792, incl.
		Overalls, cotton.....	620, 2225	Pans, clean-up.....	33, 5778 to 5792, incl.
		Overflows, brass, bronze or copper, 435, 440	620, 2225	Pans, drip, water cooler.....	3755, 3765, 3885
		Oxide, zinc.....	5380	Pans, drip, with tanks.....	1155
		Oysters, shell.....	1405	Pans, gem, cast-iron.....	2715
				Pans, ice.....	3755
				Pans, long, cast-iron.....	2715
				Pans, mining.....	3755, 3765
				Pans, sauce, cast-iron.....	2715
				Pans, settler.....	33, 5778 to 5792, incl.
				Pans, tire tube testing, galvanized iron.....	3755
				Pans, vacuum.....	1270
				Pans, wash.....	3760
				Pans, wash, iron or steel.....	3755
				Pants, cotton.....	620, 2225
				Paper, abrasive.....	2580, 2685
				Paper, adding machine, 1455, 3315, 3290, 3295	2580
				Paper, blotting.....	3290, 3345
				Paper, book.....	3295, 3345
				Paper, book, 3295, 3345, 3355	3295, 3345, 3355
				Paper, building, asbestos, 2065, 4036, 5540	3295, 3345, 3355
				Paper, building.....	3305, 3525, 5032, 5112
				Paper, carborundum.....	2580
				Paper, check, for cash registers, 1455, 3290, 3295, 3315	1455, 3295
				Paper, cigarette.....	1455, 3215
				Paper, cloth.....	3215

P



## POINTS FROM WHICH RATES NAMED HEREIN APPLY—Continued

Rates  
Applicable

## MISSOURI:

Adrian	Coburg	Granby	Lee's Summit	New Market	Rushville
Air Line Jct.	Coleman	Grandview	Liberal	Nishnabotna	Saginaw
Alba	Congo	Greenwood	Linden	Nodaway	St. Joseph
Amazonia	Corning	Gulfton	Lisle	Noel	Scott's Coal
Amoret	Craig	Halls (Buch-	Little Blue	Northern Jct.	Spur
Amory	(Holt Co.)	anan Co.)	Lone Tree	North Kansas	Seneca
Amos	Crisp	Hallwood	Luckey's Coal	City	Sheffield
Amsterdam	Culverton	Hannon	Spur	North	Sheldon
Anderson	Curzons	Harbo	McCauley	Maywood	Smithfield
Archie	Dearborn	Harlem	Park	Nyhart	Smithville
Ardeath (L. C.	Diamond	Harris	McCormick	Opolis	South Lee
L. only)	Diamondville	(Vernon Co.)	Place	Ore	Sprague
Armour	Dodson	Harrisonville	McElhaney	Oronogo	Stotesbury
Arthur	Doubling	Heims	Manchester	Oskaloosa	Sugar Creek
Asbury	Track (K. C.	Horton	Martin City	Ovid	Sugar Creek
Athol	S. R'y)	Hovey	Maywood	Panama	Junction
Atlas	Drexel	Huber	Merwin	Parkville	Swarts
Avon (Cass Co.)	Duenweg	Hume	Metz	Passaic	Tipton
Bean Lake	East	Iantha	Miller Bros.	Peculiar	Ford
Bee Creek	Elft	Iatan	Milo	Phelps	Trimble
Belton	Leavenworth	Idlewild Park	Minden	Pleasant Hill	U. S. Fish
Benton Park	Elk Springs	Independence	Mo. M. & C.	Porto Rico	Hatchery
Beverly	Elm Park	Independent	Spur	Powder S. W.	Vale
Big Blue Jct.	Eve	Powder Spur	Mokan	Spur	Waco
Bigelow	Fairmont	Irwin	Moundville	Powell	Waldron
Blue Siding	Park	Jackson Spur	Mt. Washing-	Prosperity	Wales
Boston	Farley	Jasper	ton	Purcell	Watson (At-
Bronaugh	Faucett	Jaudon	Mulberry	Quarry Track	chison Co.)
Broughton	Feely	Joplin	Murray	Raymore	Webb City
Cravel Spur	Forbes	Kansas City	Napier	Raytown	West Belton
Browns	Forest City	Kenmoor	Nashua	Red Bridge	West Line
Butler	Fortescue	Killian's Coal	Nassau	Rex	Weston
Campbellton	Foster	Spur	Junction	Richards	West Platte
Carl Junction	Galesburg	Knoche	Neck City	Rich Hill	Willie's Coal
Carrytown	Spur	Junction	Neosho	Rinehart	Spur
Carterville	Gashland	Lamar	(K. C. S. R'y)	Rock Creek	Willow Brook
Carthage	Goodman	Lanagan	Nevada	Rock Quarry	Winthrop
Cecil	Gowdy	Langdon	New East	Rubber Neck	Woodruff
Center Creek	Gower	Leeds	Leavenworth	Rucker	(Platte Co.)
Cleveland					Worldand

Group F Rates

## ALL OTHER POINTS.....

Group E Rates

## NEBRASKA:

Albright	Dakota City	Jackson	Murray	Ranch Spur	Union
Arlington	De Bolt Place	Julian	Mynard	Richfield	Valley
Ashland	De Soto	Kennard	Nebraska City	Rosalie	Verdon
Auburn	Dunbar	Laketon	Nemaha City	Rulo	Wabash
Avery	Elberon	Lane	Nickerson	Rumsey	Walshall
Avoca	Elkhorn	La Platte	North	Schubert	Wann
Barney	Falls City	Leshara	Auburn	South Bend	Washington
Bellevue	Florence	Lorton	Oakland	South Omaha	Waterloo
Bennington	Fort Calhoun	Louisville	Olson	South Sioux	Weeping Water
Berlin	Fort Crook	Lyman Spur	Omaha	City	Winnebago
Blair	Fremont	Lyons	Oreapolis	Springfield	Winslow
Bracken	Gilmore	McCandless	Ouren	Stella	Woodcliff
Brook	Gilmore Jct.	Manding	Papillion	Strausville	Wood Park
Brownville	Glen Rock	Masley	Pappio	Syracuse	Wood Siding
Cedar Creek	Goodwin	Meadow	Paul	Talmage	Woodworth's
Chalco	Gretna	Melia	Peru	Tekamah	Spur
Coburn	Herman	Mercer	Plattsmouth	Turlington	Wyoming
Coffman	Homer	Millard	Portal	Tyson	Yutan
Craig	Howe	Minersville	Preston	Uehling	
Cullom	Irrington	Murdock	Ralston	Unadilla	

Group F Rates

## ALSO

Any unnamed points on the following lines located east of points shown below, viz:

Chicago & Northwestern R'y—Fremont.  
 Chicago, Burlington & Quincy R. R.—Goodwin, Ashland, Unadilla, Auburn and Falls City.  
 Chicago, Rock Island & Pacific R'y—Murdock.  
 Chicago, St. Paul, Minneapolis & Omaha R'y—Jackson, Hubbard, Oakland.  
 Missouri Pacific R'y—Wabash, Talmage.  
 Union Pacific R. R.—Fremont, Yutan.

(CONCLUDED ON FOLLOWING PAGE.)



The first of these was the  
 establishment of a school for  
 the education of the poor  
 children of the parish. This  
 was done in the year 1791  
 and the school was  
 supported by the parish  
 and the private  
 contributions of the  
 friends of the school.



## POINTS FROM WHICH RATES NAMED HEREIN APPLY—Continued

Rates  
Applicable

## OKLAHOMA—Concluded:

Caston	Foreman's	Indianola	Milton	Pryor	@Stigler
Catalil	Spur	Inola	Mohawk	Quapaw	Stilwell
Catoosa	Forney	Jackson	Monroe	Quinton	Stone Bluff
Chambers	Fort Gibson	Switch	Moon	Ramona	@Stonebraker
Cherokee	Fort Towson	Jenks	Muldrow	R. B. Choate	Strang
Chelsea	Foyil	Johnsville	Murphy	Spur	Summit
Cherokee	Frink	Joneston	Muskogee	Reams	@Superior
Chert Ballast	Gaither	@Kanima	Narcissa	Red Bird	Swink
Pit	Gans	Karrle	Neha	Redlands	Taft
Chockie	Gap	Keba	Nirine	Red Oak	Talala
Chouteau	Garnett	Keefeton	N. McAlester	Reid's Spur	Thomasville
Claremore	Garvin	Kelso	N. Muskogee	Rentiesville	Tiawah
Coal Creek	Gasopolis	Kendall	Nowata	Reynolds	Tigler
Coal Spur	Gibson	Keota	Noxil	Rogers (Mayes Co.)	Todd
Coalton	Glenpool	Ketchum	Oak-ta-ha		Traber
Collinsville	Golden	Kinta	Ochelata	Rice	Tullahassee
Copan	Gore	Kiowa	@O'Farrell	Roby	Tulsa
@Cornell	Gowan	Krebs	Ogesschee	Rock Island	Turley
Council Hill	Gravel Spur	Kusa	Oklmulgee	Ross City	@Tyrell
Coweta	Greenwood	Lefebvre	Onapa	@Rotary	Unger
Craig	Jct.	Leliaetta	Oolagah	Rowland	Upson
Creekola	Gulftown	Lenapah	Oseuwa	Russell Creek	Valliant
Creo	Hailey	Leonard	Owen	Sageeyah	Vers
Crowder	Haileyville	Lequire	Ozark	Salina	Verdigris
@Culp	Hamilton	Limestone	Page	Sallisaw	Vian
Dawes	Hanna	Lincolnvill	Panama	Sand Springs ✓	Vinita
Dawson	Hanson	Locust Grove	Passing Spur	Sand Spur	Wagoner
Delaware	Hartshowe	Log Spur	Patterson	Sans Blois	Wainwright
Denman	Haskell	Lopp	Spur	Savanna	Wann
Dewar	Hanto	Lowerre	Peavine Lum-	Schulter	Warner
Dewey	Haworth	Lutil	ber Spur	Seaman	Watkins
Dow	Hay Ranch	Lyons	Peno	Sequoyah	Watova
Duval	Henryetta	McAlester	Pensacola	Shady Point	Watts
Edgar	Heavener	McCurtain	Ferry	Shaft 3	Welch
Eufaula	Hichita	McDonald	@Perryman	Shaft 7	Wells
Eureka Coal	Hodgens	@McKay	Petroleum	Shopton	Westville
Co. Spur	Hoffman	Mackey	Pinola	Siebold	White Oak
Fairland	Houston	Macon	Pittsburg	Skiatook	Wilburton
Falls City	Howard Lum-	Marble City	Poag	Slope	Williams
Fanshaw	ber Co. Spur	Marble Quarry	Polson	Son	Windsor
Fascine	Howden	Massey	Port	Soper	Wirth
Featherston	Howe	Matoaka	Porter	So. Coffeyville	Wister
Ferguson Cont.	Hughes	Mazil	(Wayne Co.)	Sperry	Wyandotte
Co. Spur	Hulwe	Mekke	Porum	Spiro	Wybark
Flint Siding	Huntley	Miami	Potter	Sputter	Yahola
Flushe	Idabel	Millerton	Poteau	Stevens	Yonkers
Fogels Spur					

Group F Rates

## ALL OTHER POINTS.....

Group H Rates

## PENNSYLVANIA:

Acheson	Anderson Road	Baird	Beaver Road	Blackburn	Branchton
Adamsville	Annapdale	Bagdad	Becks Run	Blacks Run	Brandon
Aiken	Apollo	Bagdad	Beechmont	Blackstone	(Venango Co.)
(Allegheny Co.)	Ardara	Colliery	Belle Bridge	Mine	Brevard
Akeley	Arden	Baggaley	Belle Valley	Blythedale	Bridgetown
Aladdin	Argentine	Bakerstown	Belle Vernon	Bonnie Brook	Bridgewater
Albion	Argyle	Bamford	Bellevue (Alle-	(Butler Co.)	(Beaver Co.)
Alquippa	Arnold (West-	(Washington Co.)	gheny Co.)	Borland	Brightwood
Allegheny	m o r e l a n d	Banksville	Ben Avon	Boston	Brilliant
Allenport	Co.)	Jct.	Bennett	Boughton	Brinker
Allison Park	Arona	Banksville Jct.	Bentleyville	Bouquet	Briquette
Allsworth	Aspinwall	Barking	Bessemer	Bovard	Brown
Alpsville	Astral	Barnes Cross-	Best Siding	Bower Hill	(Allegheny Co.)
Alton	Atlantic	ing	Biddle	Boyer	Brownsdale
(McKean Co.)	Atwells Cross-	Bartley	Big Ben	(McKean Co.)	Brownsville
Amasa	ing	Baum	Big Shanty	Brackinridge	Road
(Mercer Co.)	Avalon	Beadling	Bingham	Braddock	Bruceton
Ambridge	Avella	Beans Hill	(McKean Co.)	Bradford	Bruin
Anderson	Avonmore	Bear Lake	Birmingham	Braeburn	Bryant
(Washington Co.)	(Westmore-	Beatty	(Allegheny Co.)	Branch	Buchanan
land Co.)	land Co.)	Beaver	Bishop	(Mercer Co.)	(Crawford Co.)
Anderson Jct.	Baden	Beaver Falls			

Group B Rates

(CONTINUED ON FOLLOWING PAGE.)



## POINTS FROM WHICH RATES NAMED HEREIN APPLY—Continued

## TEXAS—(See Note 1, page 20 and Notes 2 and 3, page 21)—Concluded:

Pelican	Red Lawn	Salt City	Stayton	Tiptop	Weldon
Pennell	Redwater	Saltillo	Steep Creek	Todd	Wells
Peralto	Reese	San Augustine	Stella	Tomball	Wells Creek
Perival	Reiter	Sand	Stewart	Trabue	@Wenasco
Petty	Reklaw	Sand Pit	Stilson	Tramwells	Westbank
Phelps	Rena	Sand Spur	Stinchcomb	Trata	Westcott
Pickens Spur	Reno	Sandy Point	Stockard	Trawick	Westfield
@Pickering	Renova	Saratoga	Stockman	Treadway	West La Porte
Siding	Retrieve	Sarber	Stoneham	Trebla	West Living-
Pickton	Reynolds	Saron	Storage	Trinity	ston
Pine	Rhoneboro	Sartartia	Stowell	Troup	West Marshall
Pinehurst	Rice	Satsuma	Strang	Trukton	West Orange
Pine Island	Rice Farm	Schluter	Streets Spur	Tubbe	West Port
Pinealand	Richards	Scroggins	Strickland	Tucker	Arthur
Pine Ridge	Richmond	Sea Breeze	Stryker	Tulane	Westville
Pinery	Richway	Seabrook	Sufolk	Turney	Wetzel
Pineview	Rigney	Seabun	Sugarland	Tyler	White City
Pinnacle	Riply	Sebastopol	@Sugarland	Ulmer	Whitehouse
Pittsburg	Riverside	Section 3	Connection	Urbana	White Oak
Plantersville	Roans Prairie	Section 4	Sugar Valley	Valda	Whites Ranch
Platt	Roarks	Section 5	Sulphur	Van Vleck	Wholes
Pledger	Roberts Spur	Security	Sulphur	Veals	Whotley
Pocahontas	Robertson	Seneca	Springs	Venable	Wicks
Podo	Spur	Sequoyah	Swan	Venture	Wilburn
Poe	Rockland	Seven Oaks	Swanson	Verde	Wildhurst
Point	Roganville	Shawnee	Sweeney	Vidor	Wilkins
Pollok	Rogers	Shelby Jct.	Swenson	Village Creek	Willard
Pomona	Rogers Spur	Sheldon	Swinford	Village Mills	Williams
Ponta	Rollover	Shell Siding	Tabors	Vina	Willingham
Port Arthur	Romayer	Shepherd	Talco	Virden	Willis
Port Bolivar	Rosedale	Sherwin	Tally	Virgie	Willow
Port Naches	Rosenberg	Shimmore	Tamina	Virginia Point	Willow Springs
Potomac	Rosenberg Jct.	Shiro	Tandy	Viterbo	Willsons Mill
Powderly	Rosenburg	Siam	Tates	Votaw	Wills Point
Powell's Spur	Rosewood	Sibby	Tatum	Voth	Wilson
Poynor	Rosharon	Siddall	Teco	@Wadsworth	Wilson's Spur
Prairie View	Rosslyn	Signor	Telma	@Wakefield	Windom
Press	Rotherwood	Silas	Telma	Walden	Winfield
Pretridge	Round Lake	Silabee	Tennag	Walker	Winnie
Prices	Rowan	Silver Lake	Terminal Jct.	Wally	Winona
Pritchett	Rowansville	Simms	Terry	Walsh	Winsboro
Queen City	Roxton	@Sims	Tewera	Wanda	Wofford
Quigley	Rugby	Simonton	Texas City	Warren	Woodall
Quinn	Rugley	Singleton	Texas City	Warsaw	Woodard
Ragland	Ruliff	Smith	Jct.	Waskom	Woodlawn
Randin	@Rush	Smith's Spur	Texas City	Watelsky	@Woodmyer
Ratcliff	Rusk	Sour Lake	Terminal	Waterman	Woodville
Rayburn	Ruth	Spencer Spur	Connection	Watson Jct.	Wooters
Rayford	Rye	Spindle Top	Tels	Watore	Yarbore
Raymers	@Rymer's	Splendor	Thedford	Waukegon	Yells
Switch	Switch	Spring	Thicket	Wayne	Yelow
Raywood	Sabine	Springdale	Thompsons	Weaver	Youns
Rebecca	Sabine Pass	Stafford	Thorns	Webster	Young
Red Branch	Sabine River	Stalls	Timber	Weeden Spur	Zavalia
Reddick	Sacul	Stamps	Timpson	Weiss	@Zeirath
Redfield	Salmon	State Crossing			

Rates  
Applicable

Group F Rates

@Bravo  
Corlena  
Dalhart

Federal  
Port Bliss  
Material Yard

Matlock  
@Middlewater  
Pancha

Perico  
@Rehn

@Romero  
Texline

Tobin  
Ware

Group J Rates

In connection with Southern Pacific Co. or El Paso & Southwestern System rates will only apply on traffic interchanged at El Paso, Texas, or Tucson, Ariz.

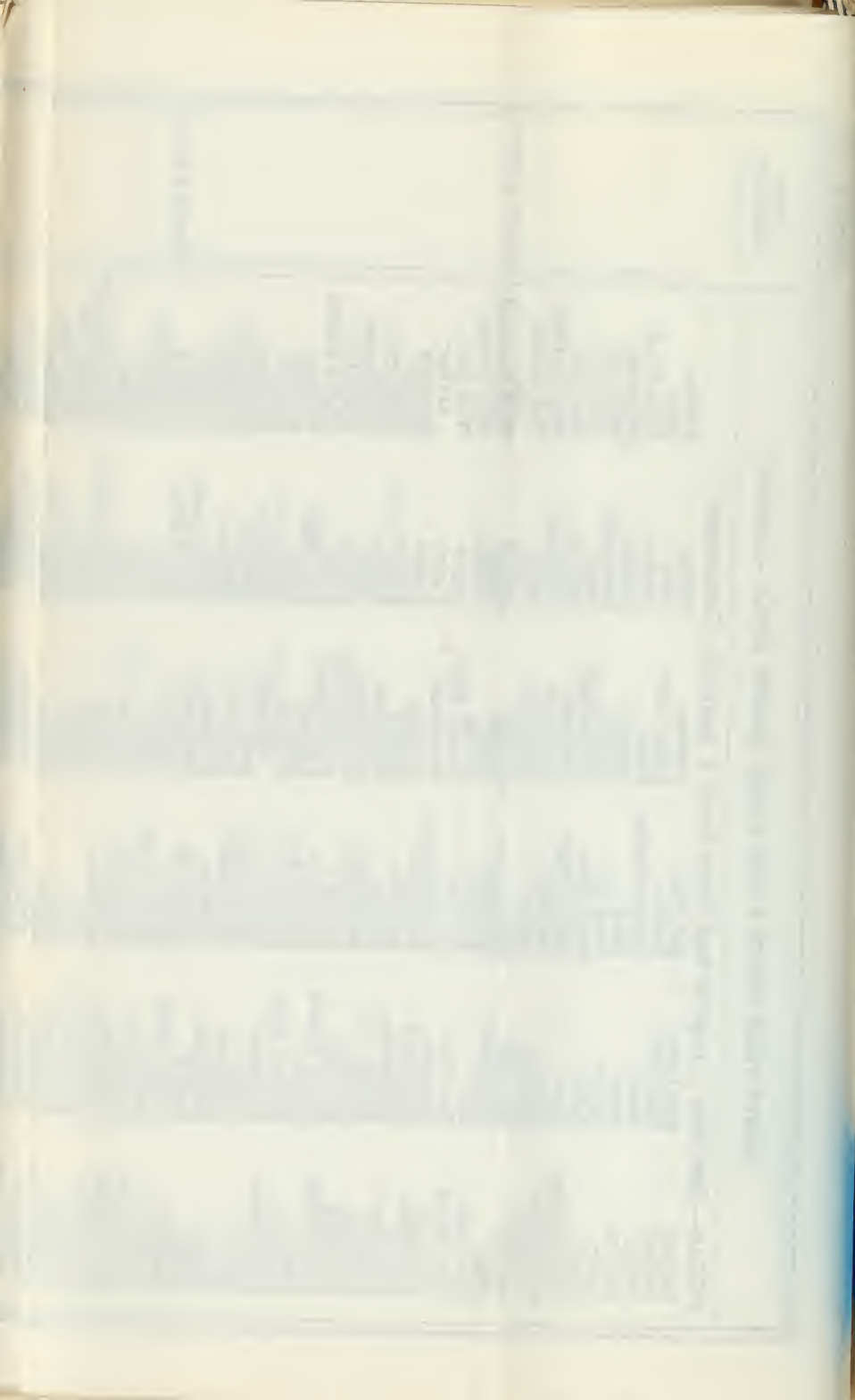
## ALL OTHER POINTS EXCEPT THOSE NAMED (IN ITALICS) BELOW

Group H Rates

## EXCEPTIONS.

Combination rates will apply from points shown below, and unnamed points located directly between on the same line of railroad.

Barreda	Combes	Kingsville	Miffin Stock	Ricardo	Spohn
Bishop	Donna	La Feria	Pena	Riviera	Ticcano
Birby	Driscoll	Llano Grande	Mission	Rudolph	Turcotte
Brownsville	Ebenezer	Lyford	Montoya	San Fordyce	Vinton
Caesar	Edinburg	McAllen	Norias	San Benito	West McAllen
Conutillo	El Paso	Mamie	Olmito	San Juan	White Spur
Chihuahua	Harlingen	Mercedes	Pharr	Sarita	Yturria
Closter	Katherine	Miffin	Raymondville	Sebastian	





## POINTS TO WHICH RATES NAMED HEREIN APPLY—Continued.

## LIST OF STATIONS IN

ARIZONA, CALIFORNIA, MEXICO, NEVADA, NEW MEXICO, OREGON AND UTAH—Continued.

NOTE.—For List of Stations to which Special Commodity Rates, Sections 4 and 5, apply, see pages 57 to 61, inclusive.

STATIONS		DELIVERING LINES	RATES APPLICABLE			NOTE (See page 67)	WESTERN GATEWAYS (For Key to Numbers see pages 62, 63, 64 and 65)
			CLASS (See pages 97 to 137, inclusive) INDEX No.	COMMODITY RATE BASES			
				Sec. 2	Sec. 3		
Cadanassa	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Cadwell	Cal.	P. & S. E.	296	1	Note 1	1	40A, 40B
Calabasas	Ariz.	S. P.	490	2	3		45A
Calerico	Cal.	S. P.	472	1	Note 1	1	45
Caliche	Ariz.	E. P. & S. W.	215	2	3		68
Caliente	Nev.	L. A. & S. L.		2	3		43
Calipatria	Cal.	S. P.	472	1	Note 1	1	45
Calistoga	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Calneva	Cal.	W. P.	633	1	3		50, 51, 52
Calor	Ore.	S. P.	472	Note 2	Note 2	2	44, 45, 46, 49
Calpella	Cal.	N. W. P.	276	1	Note 1	1	58, 59
Cal. Powder Works	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Calva	Ariz.	A. E.	26	Note 1	Note 1	1	62
Calvada	Nev.	S. P.	428	2	3		44
Cambray	N. M.	S. P.		2	3		45A
Camino	Cal.	N. E.	265	1	Note 1	1	15, 19, 20
Campbell	Cal.	Pen. E'y	293	1	Note 1	1	53
Campbell	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47
Camp Meeker	Cal.	N. W. P.	276	1	Note 1	1	58, 59
Campo	Ariz.	A. E.	59	2	3		62
Camp Pistolesi	Cal.	N. W. P.	276	1	Note 1	1	58, 59
Camp Taylor	Cal.	N. W. P.	276	1	Note 1	1	58, 59
Cana	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Cananea (Sonora)	Mex.	S. P. E. R. of M.		2	3		86
Canet	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 48
Canos	Ariz.	P.	499	2	3		45A
Canon	Nev.	L. V. & T.	236	Note 1	Note 1	1	69
Cantera	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Canyon Diablo	Ariz.	A. T. & S. F.		2	3		1A
Capay	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Capitola	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47
Capitol Ave.	Cal.	Pen. E'y	293	1	Note 1	1	53
Caporn	Cal.	S. P.	470	1	3		44
Carbondale	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Carlin	Nev.	S. P.	401	2	3		44
Carlin	Nev.	W. P.	595	2	3		51
Carne	N. M.	S. P.		2	3		45A
Carneros	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Carrara	Nev.	L. V. & T.	238	Note 1	Note 1	1	69
Carrara	Nev.	T. & T.	545	Note 1	Note 1	1	83
Carrizo	Ariz.	A. T. & S. F.		2	3		1A
Casaba	Ariz.	A. E.	61	Note 1	Note 1	1	62
Casa Grande	Ariz.	S. P.	508	2	3		45A, 45B
Cashion	Ariz.	A. E.	61	Note 1	Note 1	1	62
Cashmere	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Casini	Cal.	N. W. P.	276	1	Note 1	1	58, 59
Castella	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Castle Crag	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Castle Rock	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Catalina	Ariz.	E. P. & S. W.	209	2	3		58
Carot	Ariz.	S. P.		2	3		45A
Cazadero	Cal.	N. W. P.	276	1	Note 1	1	58, 59
Cecil Jct.	Utah	S. P.		2	3		44
Cedar	Nev.	S. P.	393	2	3		44
Cedar Glade	Ariz.	A. T. & S. F.	153	2	3		1A
Central	Ariz.	A. E.	16	Note 1	Note 1	1	62
Central Mine	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Cerritos Oil Spur	Cal.	L. A. & S. L.	311	1	3		41, 42, 43
Cesaro	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47
Chalender	Ariz.	A. T. & S. F.		2	3		1A
Chambers	Ariz.	A. T. & S. F.		2	3		1A
Chamiso	Ariz.	S. P.		2	3		45A
Champion	Cal.	S. P.	444	1	3		44
Chandler	Ariz.	A. E.	78	Note 1	Note 1	1	62
Chandler	Cal.	S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Chappel	N. M.	S. P.		2	3		45A
Chappo	Cal.	A. T. & S. F.	151	1	Note 1	1	1
Charleston	Ariz.	E. P. & S. W.	201	2	3		62
Charleston	Nev.	L. V. & T.	234	Note 1	Note 1	1	69
Chaves	Ariz.	S. P.	501	2	3		45A



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# POINTS TO WHICH RATES NAMED HEREIN APPLY—Continued.

## LIST OF STATIONS IN

ARIZONA, CALIFORNIA, MEXICO, NEVADA, NEW MEXICO, OREGON AND UTAH—Continued.

NOTE.—For List of Stations to which Special Commodity Rates, Sections 4 and 5, apply, see pages 57 to 61, inclusive.

STATIONS	DELIVERING LINES	RATES APPLICABLE			NOTE (See page 67)	WESTERN GATEWAYS (For Key to Numbers see pages 62, 63, 64 and 65)
		CLASS	COMMODITY			
		(See pages 97 to 137, inclusive) INDEX No.	RATE	BASES		
			Sec. 2	Sec. 3		
Rankin	Ariz. S. P.		2	3		45A
Rasid	Nev. S. P.		2	3		44
Raso	Ariz. S. P.		2	3		45A
Rawson	Cal. S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Ray Jct.	Ariz. A. E.	88	Note 1	Note 1	1	62
Raymond	Cal. S. P.	472	1	Note 1	1	44, 45, 46, 47
(Madera Co.)						
Reclamation	Cal. N. W. P.	276	1	Note 1	1	58, 59
Red Bluff	Cal. S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Redding	Cal. S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Redhouse	Nev. W. P.	605	2	3		51
Redlich	Nev. T. & G.	626	Note 1	Note 1	1	80, 81, 82
Redo	Cal. A. T. & S. F.	①	①	①		①
Redondo Beach	Cal. A. T. & S. F.	122	1	3		1, 2, 5
Redondo Beach	Cal. P. E.	289	1	3		39, 40
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Red Rock	Nev. B. G.	552	Note 1	Note 1	1	66, 67
Redwood Valley	Cal. N. W. P.	276	1	Note 1	1	58, 59
Reed	Cal. N. W. P.	276	1	Note 1	1	58, 59
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Reno	Nev. W. P.	645	2	3		51
Reno	Nev. S. P.	422	2	3		44
Rennos	Nev. W. P.	603	2	3		51
Reppy	Ariz. A. E.	31	Note 1	Note 1	1	62
Reynard	Nev. W. P.	626	2	3		51
Rice	Ariz. A. E.	30	Note 1	Note 1	1	62
Richfield	Cal. S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Richland	Cal. A. T. & S. F.	151	1	Note 1	1	1, 2, 5
Richvale	Cal. S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
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Rio Grande	N. M. S. P.		2	3		45A
Rionido	Cal. N. W. P.	276	1	Note 1	1	58, 59
Rio Puerco	N. M. A. T. & S. F.	125	2	3		1A
Riordan	Ariz. A. T. & S. F.		2	3		1A
Rita	Ariz. E. P. & S. W.	213	2	3		68
Rito	N. M. A. T. & S. F.		2	3		1A
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Roblar	Cal. P. & S. R.	296	1	Note 1	1	40A, 40B
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Rock Crusher	Ariz. A. T. & S. F.		①	①		①
Rock Hill	Nev. T. & G.	527	Note 1	Note 1	1	80, 81, 82
Rockwood	Cal. S. P.	472	1	Note 1	1	45
Rodeo	N. M. E. P. & S. W.	184	2	3		68
Rogers	Cal. Pen. R'y	293	1	Note 1	1	53
Ronda	Cal. S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Ronda	Nev. W. P.	619	2	3		51
Rose Creek	Nev. S. P.	408	2	3		44
Rose Orchard	Cal. S. & W.	300	1	Note 1	1	24, 25, 26
Rosewell	Nev. L. V. & T.	237	Note 1	Note 1	1	69
Rosny	Nev. S. P.		2	3		44
Ross	Cal. N. W. P.	276	1	Note 1	1	58, 59
Ross	Cal. P. & S. R.	296	1	Note 1	1	40A, 40B
Rossi	Cal. S. P.	472	1	Note 1	1	44, 45, 46, 47
Routier	Cal. S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Rowena	Cal. N. E. (M. & C. Br.)	266	1	Note 1	1	21, 22, 23
Rowes	Cal. N. W. P.	276	1	Note 1	1	58, 59
Roy	Cal. A. T. & S. F.	151	1	Note 1	1	1
Roy	Cal. N. W. P.	276	1	Note 1	1	58, 59
Rozel	Utah S. P.	343	2	3		44A
Ruby	Nev. W. P.	584	2	3		51
Rumsey	Cal. S. P.	472	1	Note 1	1	44, 45, 46, 47, 49
Russian River Heights	Cal. N. W. P.	276	1	Note 1	1	58, 59

①Effective April 15, 1918. ELIMINATE. Station abandoned. See Note C on title page.



## APPLICATION OF RATES—Continued.

### ALTERNATIVE APPLICATION OF COMBINATION RATES.

#### ITEM No. 26.

##### COMBINATION RATES.

▲(a) (*Expires with close of business October 31, 1918, unless sooner canceled, changed or extended*). This tariff (supplements thereto and reissues thereof), having been issued in compliance with Commissions' amended Fourth Section Order No. 6790 of date June 30, 1917, and the carriers having been unable, owing to the wide scope of territory covered, to publish the combinations of rates which make less than the through rates provided in the tariff (or as amended), the Commission has authorized the following alternative rate provisions (b).

▲(b) (*Expires with close of business October 31, 1918, unless sooner canceled, changed or extended*). If the aggregate of intermediate rates via route over which shipment moves, wherever found, makes less than the through rates provided in this tariff (or as amended), the combination rates so made will apply.

#### ITEM No. 27.

The "Class Arbitrary" shown in rate items in Section 3 of this tariff, designates the class to be used in applying the Class Arbitraries named in Trans-Continental Freight Bureau Arbitrary Circular No. 69-A (I. C. C. Nos. 21, 599 and 1025 of C. C. McCain, Agent, Eugene Morris, Agent, and R. H. Countiss, Agent, respectively), and Trans-Continental Freight Bureau Arbitrary Circular No. 61-A (I. C. C. Nos. 23, 619 and 1028 of C. C. McCain, Agent, Eugene Morris, Agent, and R. H. Countiss, Agent, respectively), only on carload shipments of two or more articles for which no mixed carload arbitrary is provided in said Circulars Nos. 69-A and 61-A for use in connection with "Rate Basis 3" rates, as shown in Section 3 of this tariff.

#### ITEM No. 28.

##### RATES ON IMPORT TRAFFIC.

(Via Atlantic Ports.)

The rates named in this tariff from points taking Group A rates, will apply from Atlantic ports of entry (i. e. Baltimore, Md., Boston, Mass., Newport News, Va., Philadelphia, Pa., Portland, Me., Montreal, Quebec, Que., St. John, West St. John, N. B., Halifax, N. S., and New York, N. Y.) on shipments originating in Europe (or beyond), destined to points taking "Rate Basis 1," "Rate Basis 2" or "Rate Basis 3" rates (or beyond).

(Via Gulf of Mexico Ports.)

(a) On traffic originating in foreign countries and destined to points covered by this tariff, or beyond, the rates named herein as applying from Galveston, Tex., will apply also from shipside at Galveston, Port Arthur, Port Bolivar, Texas City, Tex., Algiers, Gretna, New Orleans and Westwego, La.

(b) The initial rail carriers parties to this tariff will advance to ocean steamship lines their transportation charges; also any other legitimate charges incident to the transportation of the property up to the port of import into the United States.

When such charges are advanced, the amount of such advance charges must be shown separately on waybills and freight bills, with the name of the ocean carriers to which the charges are advanced, and the inland tariff rate and charges of the rail carriers must also be shown in separate item.

#### ITEM No. 29.

##### RATES ON EXPORT TRAFFIC.

(Via Pacific Ports.)

Except as otherwise provided in Trans-Continental Freight Bureau Tariff No. 22-H (I. C. C. No. 1039 of R. H. Countiss, Agent), supplements thereto or reissues thereof or Trans-Continental Freight Bureau Tariff No. 20-F (I. C. C. No. 1022 of R. H. Countiss, Agent), supplements thereto or reissues thereof—

(a) In the absence of export rates to San Francisco, Cal., shipments destined to and consigned through to points in Asia, Philippine Islands, Australia, New Zealand, Fiji Islands, or beyond, will take to San Francisco, Cal., the rates named herein to San Francisco, Cal.

(b) Rates as authorized in paragraph (a) will apply to shipside at the wharves at San Francisco, Cal., served by the tracks of the terminal rail carriers, parties hereto, as well as to the stations of said terminal rail carriers at San Francisco, Cal.

(c) Carload rates will apply on shipments from one consignor aggregating not less than the specified carload minimum weight forwarded at one time to San Francisco, Cal., when such shipments are consigned to one or more persons at one or more destinations in Asia, Philippine Islands, Australia, New Zealand, Fiji Islands, or beyond. The minimum charge for each separate bill of lading issued will be the minimum charge published to San Francisco, Cal., plus steamer minimum charge from San Francisco, Cal., to destination.

#### ITEM No. 30.

##### RATES APPLYING TO SAN FRANCISCO, CAL., ON TRAFFIC DESTINED AND CONSIGNEE THROUGH TO ALASKA AND POINTS LOCATED ON OR TRIBUTARY TO YUKON RIVER AND TO HAWAIIAN ISLANDS.

On traffic destined to and consigned through to Alaska and points located on or tributary to Yukon River and to Hawaiian Islands, the rates thereon to San Francisco, Cal., will be governed by the following:

(a) The rates applying to Seattle, Wash., as published in Trans-Continental Freight Bureau West-Bound Tariff No. 4-O (I. C. C. Nos. 31, 683 and 1049, of C. C. McCain, Agent, Eugene Morris, Agent, and R. H. Countiss, Agent, respectively), supplements thereto or reissues thereof, will also apply to San Francisco, Cal., unless lower rates are named in this tariff to San Francisco, Cal.

(b) Rates as authorized in paragraph (a) will apply to shipside at the wharves at San Francisco, Cal., served by the tracks of the terminal rail carriers, parties hereto, as well as to the stations of said terminal rail carriers at San Francisco, Cal.







## SECTION 3—COMMODITY RATES—Continued.

(TARIFF 1-Q)

Item No.	ARTICLES	C. L. OR L. C. L. as indicated  Min. C. L. wt. (Pounds)	RATES IN CENTS PER 100 POUNDS (Except as noted)			Class Arbitr- ary  See Item 27
			FROM Points shown on pages 1 to 25, inclu- sive, as taking the follow- ing Group Rates	TO Points shown on pages 28 to 56, inclu- sive, as taking	RATE BASIS 3	
	<b>OILS, viz.—Concluded:</b>					
3230	Oil, linseed, In bulk in barrels, or in tank cars, weight per gallon 7.8 lbs. NOTE.—With shipments in wood 2,000 lbs. of Hay, Straw, Sawdust or Tan Bark may be shipped free. *For Explanation, see page 66. ●For Explanation, see page 66.	C. L. In barrels, 45,000	A B C D	110 100 95 90		
			E F G H J	90 85 85 85 85		
3235	Oil, lubricating, N. O. S., in glass or earthenware packed in boxes, In metal cans completely jacketed or in metal cans in crates.	C. L. 40,000	A B C D	155 145 140 135		
			E F G H J	130 120 120 120 120		
3240	Oil, petroleum and its products, classified fifth class under head- ing of "Petroleum or Petroleum Products, including com- pounded Oils or Greases having a Petroleum Base" (exclusive of Sewing Machine and Cycle Oils), in current Western Classifica- tion, subject to rules, weights per gallon and minimum weights thereof. NOTE.—Rates named will apply also on Lubricating Compounds having a petroleum base and mixed with hair, waste or yarn. †The Southern Pacific Company-Atlantic Steamship Lines (Morgan Line), Mallory Steam- ship Co., and Old Dominion Steamship Co., will not accept shipments of Paraffine Wax, in bulk, Benzine, Gasoline, Naphtha and Kerosene Oil, in barrels. *For Explanation, see page 66. ●For Explanation, see page 66.	C. L. As per current Western Classifi- cation.	A B C D	125 115 110 105		
			E F G H J	100 90 90 90 90		
	<b>PACKING, viz.:</b>					
3245	Asbestos, in rope or wick form, in bales or burlapped coils, Cushion, excelsior, grass, hay, or straw, in bales or burlapped bundles, Fibre, aluminum, in bundles, Hemp, in bundles, Jute, in bundles, Mats, excelsior, grass, hay or straw, in bales or burlapped bundles. *For Explanation, see page 66.	L. C. L.	A B C D	205 190 190 175		
			E F G H J	175 175 175 175 175		
3250	Cushion, excelsior, grass, hay or straw, in bundles, not burlapped, Flax, in bundles, Mats, excelsior, grass, hay or straw, in bundles, not burlapped, Metallic, in bundles (See Note), Raw Hide, in bundles, Soapstone, in bundles. NOTE.—Will not apply on Metal Packing Rings. *For Explanation, see page 66.	L. C. L.	A B C D	227 212 212 197		
			E F G H J	197 175 175 175 175		
	<b>PACKING HOUSE PRODUCTS, viz.:</b>					
3255	Lard and Lard Substitutes, in water-proofed paper packages, glass or earthenware, packed in boxes; in tubs, buckets or jacketed cans; in cans or in tin pails, crated; in barrels, gal- vanized iron tanks or drums, Oil, cotton seed cooking, in glass, earthenware or metal cans, packed in boxes; in bulk in barrels. NOTE.—Shipments of Lard and Lard Substitutes consigned to points in Mexico through Douglas or Naco, Ariz., will be accepted when in metal cans, loose, at the rates provided on shipments in boxes or crates.	C. L. 30,000	A B C D	160 150 145 140		
			E F G H J	135 125 125 125 125		

A Denotes advance.



Rates and charges named in this supplement are not subject to increases shown in Special Supplement No. 6.

## SPECIAL SUPPLEMENT No. 10

(Supplements Nos. 5, §6, 9 and §10 contain all changes from the original tariff that are effective on the date hereof)  
§Special Supplement.

— TO —

C. R. C. No. 30 of C. C. McCain, Agent  
C. R. C. No. 571 of Eugene Morris, Agent  
C. R. C. No. 380 of R. H. Countiss, Agent

I. C. C. No. 30 of C. C. McCain, Agent  
I. C. C. No. 682 of Eugene Morris, Agent  
I. C. C. No. 1048 of R. H. Countiss, Agent

# UNITED STATES RAILROAD ADMINISTRATION

W. G. McAdoo, Director General of Railroads

## TRANS-CONTINENTAL FREIGHT BUREAU

### SPECIAL SUPPLEMENT No. 10

(Supplements Nos. 5, §6, 9 and §10 contain all changes from the original tariff that are effective on the date hereof)  
§Special Supplement.

— TO —

# WEST-BOUND TARIFF No. 1-Q

(WHICH TOOK EFFECT MARCH 15, 1918)

— NAMING —

## Local, Joint, Export and Import Class Rates

Governed by Western Classification No. 55 (I. C. C. No. 13 of R. C. Fyfe, Agent), supplements thereto or reissues thereof, except as otherwise provided in tariff (and as amended)

— AND —

## Local, Joint, Export, Import and Proportional Commodity Rates

Governed by Special Rules and Conditions shown in tariff (and as amended)

— FROM —

## EASTERN SHIPPING POINTS

Designated on pages 2 to 27, inclusive, of tariff (and as amended)

— TO POINTS IN —

ARIZONA

MEXICO

NEW MEXICO

UTAH

CALIFORNIA

NEVADA

OREGON

Designated on pages 28 to 61, inclusive, of tariff (and as amended).

This tariff contains rates that are higher for shorter distances than for longer distances over the same route, such departure from the terms of the amended Fourth Section of the Act to Regulate Commerce is permitted by authority of Interstate Commerce Commission Orders F. S. Nos. 3136 of date August 2, 1913, 4206, 4208, 4210, 4215 and 4216 of date August 28, 1914, 4859 of date April 27, 1915, 7048 of date November 20, 1917, 7316 of May 27, 1918, and as indicated in individual items herein.

NOTE A.—By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, this tariff is not made applicable FROM all intermediate points. Upon reasonable request therefor, commodity rates which will not exceed those in effect FROM the next more distant point will (under authority granted by the Interstate Commerce Commission) be established by the carriers parties to this tariff, FROM any intermediate point hereunder, upon one day's notice to the Commission and to the public.

NOTE B.—Departure from the Commission's rules in the publication of alternative rates bases authorized in Item 26, page 71 of tariff (and as amended), is permitted until October 31, 1918, under authority of Interstate Commerce Commission order of September 19, 1917, unless by reissue of or supplement to this tariff it is brought into conformity with the Commission's regulations at an earlier date.

ISSUED JULY 24, 1918

EFFECTIVE AUGUST 1, 1918

This special supplement is permitted by authority of Interstate Commerce Commission Special Permission No. 47201, of July 18, 1918. Issued on one day's notice under Special Permission of the Interstate Commerce Commission No. 47210 of July 23, 1918.

Published for the Director General of Railroads and filed on one day's notice with the Interstate Commerce Commission, under Freight Rate Authority No. 95 of the Director, Division of Traffic, United States Railroad Administration, dated July 11, 1918.

ISSUED JOINTLY BY

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(Auth. 4913)





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(1-Q, Sup. 10)

## INDEX OF COMMODITIES CONTAINED IN THIS SUPPLEMENT.

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Oil, gas, . . . . . 5364-A, 5366-B		Oil, petroleum gas, 5358-A, 5794-A to 5808-A, incl.		Products, petroleum, 3240-A, 5368-A, 5370-A	
Oil, petroleum, crude, 5372-A, 5374-A, 5376-C, 5378-B, 5380-B, 5794-A to 5808-A, incl.		Oil, petroleum road, 1395-A, 5794-A to 5808-A, incl.		Residuum, refinery, 5794-A to 5808-A, incl.	

### PARTICIPATING CARRIERS.

The Participating Carriers are as shown on pages i to x, inclusive, of tariff, and as amended by Supplement No. 5.

### SECTION 2—COMMODITY RATES

If the rates in Section 1, Section 3, Section 4, Section 5 or Section 6 of tariff (and as amended), make a lower charge on any shipment than the rates in Section 2 of tariff (and as amended), the rates in Section 1, Section 3, Section 4, Section 5 or Section 6 (whichever is lowest), will be applied.

Effective as noted. AMEND pages 141 to 202, inclusive, of tariff, as follows:

Item No.	ARTICLES	C. L. or L. C. L. as indicated Min. C. L. wt. (Pounds)	RATES IN CENTS PER 100 POUNDS (Except as noted)			
			FROM Points shown on pages 2 to 25, inclusive, of tariff (and as amended), as taking the following Rates	TO Points shown on pages 28 to 56, inclusive, of tariff (and as amended), as taking		
				RATE BASIS 1	RATE BASIS 2	
1395-A (Cancels 1395)	Oil, petroleum road (See Foot Note), In barrels, In tank cars, actual weight per gallon. *Class rates will not apply. No through rates in effect.	C. L. In barrels 60,000  In tank cars, see Rule 11 of tariff (and as amended)	A	+	+	
			B	+	+	
			C	+	+	
			D	R64½	R64½	
			E	R64½	R64½	
			F	R59½	R59½	
			G	R59½	R59½	
			H	R59½	R59½	
			J	R59½	R59½	

### SECTION 3.

#### COMMODITY RATES TO ARIZONA, CALIFORNIA, NEVADA, NEW MEXICO, OREGON AND UTAH.

If the rates in Section 1, Section 2, Section 4, Section 5 or Section 6 of tariff (and as amended), make a lower charge on any shipment than the rates named in Section 3 of tariff (and as amended), the rates in Section 1, Section 2, Section 4, Section 5 or Section 6 (whichever is lowest), will be applied.

Effective as noted. AMEND pages 205 to 278, inclusive, of tariff as follows:

Item No.	ARTICLES	C. L. or L. C. L. as indicated Min. C. L. wt. (Pounds)	RATES IN CENTS PER 100 POUNDS (Except as noted)			
			FROM Points shown on pages 2 to 25, inclusive, of tariff (and as amended), as taking the following Rates	TO Points shown on pages 28 to 56, inclusive, of tariff (and as amended), as taking		Class Arbitrary — See Item 27 of tariff (and as amended)
				RATE BASIS 3		
3240-A (Cancels 3240)	Effective August 1, 1918 (in Supplement No. 10). (Cancels increased rates published effective June 25, 1918, in Special Supplement No. 6.) <b>PETROLEUM AND PETROLEUM PRODUCTS, viz.:</b> Oil, petroleum and its products, classified fifth class under heading of "Petroleum or Petroleum Products, including compounded Oils or Greases having a Petroleum Base" (exclusive of Sewing Machine and Cycle Oils), in current Western Classification, subject to rules, weights per gallon and minimum weights thereof. (See Foot Note).  NOTE.—Rates named will apply also on Lubricating Compounds having a petroleum base and mixed with linir, waste or yarn. *The Southern Pacific Company-Atlantic Steamship Lines (Morgan Line), Mallory Steamship Co., and W.L. Dominion Steamship Co., will not accept shipments of Paraffine Wax, in bulk, Benzine, Gasoline, Naphtha and Kerosene Oil, in barrels.	C. L. As per current Western Classification.	A	R129½		
			B	R119½		
			C	R114½		
			D	R109½		
			E	R104½		
			F	R94½		
			G	R94½		
			H	R94½		
			J	R94½		

**FOOT NOTE.**—When the total charges on a through shipment are constructed on combinations of separately established rates applying to and from junction points, first determine the through combination of rates in effect on June 24, 1918, and then increase such through combination of rates four and one-half (4½) cents per 100 lbs.

R Denotes reduction.





50U. PAC. G.  
OFFICIAL FILE

Rates and charges named in this supplement are not subject to increases shown in Special Supplement No. 6.

## SUPPLEMENT No. 27

(Cancels Supplement No. 26)

(Supplements Nos. 46, 16, 20 and 27 contain all changes from the original tariff that are effective on the date hereof)

— TO —

Special Supplement.  
C. R. C. No. 30 of C. C. McCain, Agent  
C. R. C. No. 571 of Eugene Morris, Agent  
C. R. C. No. 380 of R. H. Countiss, Agent  
Ohio No. 615 of Eugene Morris, Agent

I. C. C. No. 30 of C. C. McCain, Agent  
I. C. C. No. 682 of Eugene Morris, Agent  
I. C. C. No. 1048 of R. H. Countiss, Agent

Filed with the Public Utilities Commission of Ohio for account of non-federal controlled roads only.

# UNITED STATES RAILROAD ADMINISTRATION

Director General of Railroads

## TRANS-CONTINENTAL FREIGHT BUREAU

### SUPPLEMENT No. 27

(Cancels Supplement No. 26)

(Supplements Nos. 46, 16, 20 and 27 contain all changes from the original tariff that are effective on the date hereof)

Special Supplement.

— TO —

## WEST-BOUND TARIFF No. 1-Q

(WHICH TOOK EFFECT MARCH 15, 1918)

— NAMING —

### Local, Joint, Export and Import Class Rates

Governed by Western Classification No. 55 (I. C. C. No. 13 of R. C. Fyfe, Agent), supplements thereto or reissues thereof, except as otherwise provided in tariff (and as amended)

— AND —

### Local, Joint, Export, Import and Proportional Commodity Rates

Governed by Special Rules and Conditions shown in tariff (and as amended)

— FROM —

## EASTERN SHIPPING POINTS

Designated on pages 2 to 27, inclusive, of tariff (and as amended)

— TO POINTS IN —

ARIZONA

MEXICO

NEW MEXICO

UTAH

CALIFORNIA

NEVADA

OREGON

Designated on pages 28 to 61, inclusive, of tariff (and as amended).

This tariff contains rates that are higher for shorter distances than for longer distances over the same route, such departure from the terms of the amended Fourth Section of the Act to Regulate Commerce is permitted by authority of Interstate Commerce Commission Orders F. S. Nos. 3136 of date August 2, 1913, 4206, 4208, 4210, 4215 and 4216 of date August 28, 1914, 4859 of date April 27, 1915, 7046 of date November 20, 1917, 7316 of May 27, 1918, and as indicated in individual items of tariff (and as amended).

NOTE A.—By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, this tariff is not made applicable FROM all intermediate points. Upon reasonable request therefor, commodity rates which will not exceed those in effect FROM the next more distant point will (under authority granted by the Interstate Commerce Commission) be established by the carriers parties to this tariff, FROM any intermediate point hereunder, upon one day's notice to the Commission and to the public.

NOTE B.—Departure from the Commission's rules in the publication of alternative rate bases authorized in Item 26-A, page 18 of Supplement No. 16, is permitted until October 31, 1919, under authority of Interstate Commerce Commission order of October 17, 1918, unless by reissue of or supplement to this tariff it is brought into conformity with the Commission's regulations at an earlier date.

NOTE C.—Departure from the requirements of Rules 4(h) and 7(b) of Interstate Commerce Commission's Tariff Circular 198-A, in items 29-C, 30-B and 30-J-A of this supplement is permitted by Special Permission of the Interstate Commerce Commission No. 47986, dated June 21, 1919.

NOTE D.—Changes which result from additions of or abandonment of stations and station facilities contained in this supplement are filed under authority of the Interstate Commerce Commission's Fifteenth Section Order No. 250 of January 8, 1918, without formal hearing, which approval shall not affect any subsequent proceeding relative thereto.

NOTE E.—Increases contained in this schedule are filed for account of non-Federal controlled carriers, under authority of the Interstate Commerce Commission's Fifteenth Section Orders to which reference is made in connection with individual items involved.

ISSUED AUGUST 27, 1919

EFFECTIVE OCTOBER 15, 1919

(Except as noted in individual items)

Departure from the requirements of Rule 9 (e) of Tariff Circular 18-A as to the volume of supplemental matter to which this tariff is entitled is permitted by Special Permission of the Interstate Commerce Commission, No. 48089 of July 22, 1919. The tariff amended by this supplement will be reissued not later than April 15, 1920.

ISSUED JOINTLY BY

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Item No.	ARTICLES	C. L. or L. C. L. as indicated — Min. C. L. wt. (Pounds)	RATES IN CENTS PER 100 POUNDS (Except as noted)		Class Arbi- trary — See Item 27 of tariff (and as amended)
			FROM Points shown on pages 2 to 25, inclu- sive, of tariff (and as amend- ed), as taking the following Group Rates	TO Points shown on pages 28 to 56, inclu- sive, of tariff (and as amended), as taking	
			RATE BASIS 3		
3125-A (Cancels 3125)	LEATHERS, ETC., in rolls (except as otherwise provided), viz.— Concluded: *Effective October 15, 1919 (in Supplement No. 27). (Cancels increased rates published effective June 25, 1918, in Special Supplement No. 6.) Bellies, Heads, Skins, sheep, with [R]Board, leather, Kip, finished, or without wool, Buff, Lace, tanned, Butts, belting, Latigo, Skins, shearing, Calf, finished, [R]Pancake, tanned, Caps, horse collar, Patent, Skirting, Chamois, Pieces, Sole, Collar, Rough, Tufts, in sacks, Cow, finished, Rough Split, Veal, finished, Deer, tanned, Scrap, in sacks, Walrus, Goat, with hair on, Seal, Wax, finished. tanned, Skins, goat, with- Harness, out hair, tanned,	C. L. 24,000	A B C D E F G H J	219 206½ 200 194 187½ 175 175 175 175	
	OILS, viz.: REISSUE. Effective as per Note A below (in Supplement No. 23). Castor, Cocoanut, Corn, Kalon, Lard, Linseed, Lucol, Neatsfoot, Paint, N. O. S., Palm, Pine, Rape Seed, Red, Resin, Rubber, Soya Bean, Tallow, Transel, "Y", NOTE 1.—When shipped in tank cars, the weight of the following oils will be computed on basis of pounds per gallon shown opposite each, viz.: Castor Oil.....8 Linseed Oil...7.8 Resin or "Y" Oil 8.5 Cocoanut Oil...7.6 Neatsfoot Oil...7.6 Tallow Oil.....7.6 Lard Oil.....7.6 Red Oil.....7.6 in cans, boxed, or in bulk in barrels; or in tank cars, actual weight per gallon (ex- cept as shown in Note 1, below).	C. L. In pack- ages, named 30,000 — In tank cars, see Rule 11 of tariff (and as amend- ed).	A B C D E F G H J	166½ 144 137½ 131½ 125 112½ 112½ 112½ 112½	
3220-C (Cancels 3220-B, Sup. 16)					
3240-B (Cancels 3240-A, Sup. 16)	REISSUE. Effective September 10, 1919 (in Supplement No. 26). Oil, petroleum and its products, classified fifth class under head- ing of "Petroleum or Petroleum Products, including compo- unded Oils or Greases having a Petroleum Base" (exclusive of Sewing Machine and Cycle Oils), in current Western Classifica- tion, subject to rules, weights per gallon and minimum weights thereof. (***). NOTE.—Rates named will apply also on Lubricating Compounds having a petroleum base and mixed with hair, waste or yarn. §The Southern Pacific Company-Atlantic Steamship Lines (Morgan Line), Mallory Steamship Co., and Old Dominion Steamship Co., will not accept shipments of Paraffine Wax, in bulk, Benzine, Gaso- line, Naphtha and Kerosene Oil, in barrels.	C. L. As per current Western Classifi- cation.	A B C D E F G H J	\$129½ 119½ 114½ 109½ 104½ 94½ 94½ 94½ 94½	

\*\*\*—FOOT Note reading—"When the total charges on a through shipment are constructed on combinations of separately established rates applying to and from junction points, first determine the through combination of rates in effect on June 24, 1918, and then increase such through combination of rates four and one-half (4½) cents per 100 lbs."—ELIMINATED. Combination rates will apply.

NOTE A.—(REISSUE. Effective July 1, 1919 (in Supplement No. 23), in connection with carriers under Federal control as designated in Note A, page 2, hereof.  
(REISSUE. Effective July 21, 1919 (in Supplement No. 23), in connection with participating carriers not designated as under Federal control in Note A, page 2, hereof.

\*Published for the Director General of Railroads and filed on 30 days' notice with the Interstate Commerce Commission under Freight Rate Authority No. 11183 of the Director, Division of Traffic, United States Railroad Administration, dated July 25, 1919.

[R]Denotes Reduction.





Ariz. C. C. No. 104.  
(See page 3 for cancellations.)

New Mex. C. C. No. 183.  
(See page 3 for cancellations.)

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**TARIFF No. 11877.**  
(See page 3 for cancellations.)

**Atchison, Topeka & Santa Fe Railway—Coast Lines**  
**Atchison, Topeka & Santa Fe Railway—** { Santa Fe, Prescott & Phoenix Lines  
**Grand Canyon Railway** (Concurrence FX-4, No. 71)

**LOCAL AND JOINT TARIFF**  
APPLYING ON  
**CLASSES AND COMMODITIES**  
BETWEEN

Property of  
**SANTA FE TRAFFIC DEPT.**  
San Francisco, Calif.

Stations in New Mexico and Arizona, on Atchison, Topeka & Santa Fe Railway—Coast Lines,  
Atchison, Topeka & Santa Fe Railway—Santa Fe, Prescott & Phoenix  
Lines, and Grand Canyon Railway

Governed, except as otherwise provided herein, by the Western Classification No. 52 (R. C. Fyfe, Agent,  
I. C. C. No. 10), supplements thereto and reissues thereof; and by Exceptions to said Classification,  
No. 7185-I, P. F. T. B. Exception Sheet No. 1-D (F. W. Gomph, Agent, I. C. C. No. 160, A. C. C.  
No. 79, N. M. C. C. No. 5), supplements thereto and reissues thereof.

Issued August 20, 1914.

Effective October 1, 1914.

**F. B. HOUGHTON,**  
F. T. M., A. T. & S. F. Ry.  
CHICAGO, ILL.

**W. A. BISSELL,**  
A. T. M., A. T. & S. F. Ry.,  
SAN FRANCISCO, CAL.

**J. S. BARTLE,**  
A. F. T. M., A. T. & S. F. Ry.,  
CHICAGO, ILL.

**W. G. BARNWELL,**  
A. F. T. M., A. T. & S. F. Ry.,  
SAN FRANCISCO, CAL.

**H. P. ANEWALT,**  
(A. T. & S. F. Ry.—Coast Lines,  
G. F. A., { A. T. & S. F. Ry.—S. F. P. & P. Lines,  
{ Grand Canyon Ry.,  
LOS ANGELES, CAL.

Issued by  
**A. G. SHEER,**  
Chief of Tariff Bureau,  
CHICAGO, ILL.



# INDEX OF STATIONS FROM WHICH RATES APPLY.

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**Supplement No. 26**  
(Cancels Supplement No. 25)  
(Supplement No. 26 contains all changes from the original  
tariff that are effective on the date hereof)

to  
**Art. C. C. No. 104.**

**Supplement No. 26**  
(Cancels Supplement No. 25)  
(Supplement No. 26 contains all changes from the original  
tariff that are effective on the date hereof)

to  
**New Mex. C. C. No. 182.**

**SUPPLEMENT No. 26**

(Cancels Supplement No. 26)

(Supplement No. 26 contains all changes from the original tariff that are effective on the date hereof)

TO

**TARIFF No. 11877.**

**Atchison, Topeka & Santa Fe Railway—Coast Lines**  
**Atchison, Topeka & Santa Fe Railway—** { Santa Fe, Prescott  
**Grand Canyon Railway** & Phoenix Lines

(Concurrence FX-4, No. 71)

**LOCAL AND JOINT TARIFF**

APPLYING ON

**CLASSES AND COMMODITIES**

BETWEEN

Stations in New Mexico and Arizona on Atchison, Topeka & Santa Fe Railway—Coast Lines,  
Atchison, Topeka & Santa Fe Railway—Santa Fe, Prescott & Phoenix  
Lines, and Grand Canyon Railway

Governed, except as otherwise provided herein, by the Western Classification of 1910. (R. C. Fyfe, Agent, I. C. C.  
No. 12), supplements thereto and reissues thereof, and by the Santa Fe Classification, A. T. & S. F.  
Ry. No. 7185-J, P. F. T. B. Exception Sheet No. 1 (F. W. Gomph, Agent, I. C. C.  
No. 252, A. C. C. No. 122, N. M. C. C. No. 11), supplements thereto and reissues thereof.

**Issued January 26, 1917.**

**Effective March 10, 1917.**  
(Except as Noted in Individual Items.)

**F. B. HOUGHTON,**  
F. T. M., A. T. & S. F. Ry.,  
CHICAGO, ILL.

**J. S. BARTLE,**  
A. F. T. M., A. T. & S. F. Ry.,  
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A. T. M., A. T. & S. F. Ry.,  
SAN FRANCISCO, CAL.

**W. G. BARNWELL,**  
A. F. T. M., A. T. & S. F. Ry.,  
SAN FRANCISCO, CAL.

**H. P. ANEWALT,**  
A. T. & S. F. Ry.—Coast Lines,  
G. F. A., A. T. & S. F. Ry.—S. F. P. & P. Lines,  
Grand Canyon Ry.,  
LOS ANGELES, CAL.

Issued by  
**A. G. SHEER,**  
Chief of Tariff Bureau,  
CHICAGO, ILL.





**RATE SECTION No. 1—PART 1—Concluded.**

Index No.	BETWEEN Seligman.....Ariz. AND	CLASS RATES IN CENTS PER 100 LBS.									
		1	2	3	4	5	A	B	C	D	E
69	Reissue. Effective Dec 30, 1916, in Supplement No. 25. ① Winona.....Ariz.	62	52	43	39	35	35	24	19	16	12

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103 to 116	*Zuni.....N. M. to Grants, incl..... "	Reissue. Effective August 1, 1916, in Supplement No. 21. Cancel Class rates. Distance Tariff rates, page 22 of this Supplement, or as may be amended, will apply.									

**PART 2.**

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182	*Sycamore..... "	28	25	22	20	18	18	13	11	10	8
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Reissue. Effective December 30, 1916, in Supplement No. 25.

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188	*Huron..... "	25	23	20	18	16	16	11	10	9	8
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191	*Mayer..... "	28	25	22	20	18	18	13	11	10	8
192	*Henrietta.....Ariz.	25	23	20	18	16	16	11	10	9	8
193	*Eugene..... "	25	23	20	18	16	16	11	10	9	8
194	*Providence..... "	28	25	22	20	18	18	13	11	10	8
195	*Block..... "	28	25	22	20	18	18	13	11	10	8
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198	*Cordes..... "	31	27	24	21	19	19	13	11	10	8
199	*Turkey Creek..... "	34	30	27	23	21	21	14	12	10	9
200	*Middletown..... "	37	32	29	25	23	23	16	13	11	9
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202	*Saddle..... "	40	35	31	27	25	25	17	14	12	9
203	*Crown King..... "	42	36	31	27	25	25	17	14	12	9

\*No Agent. On shipments destined to points prefixed thus (\*), freight charges must be prepaid.

① Class rates apply on Arizona Intrastate traffic only. On Interstate traffic distance tariff rates per Section No. 3, Part 1, of tariff, apply.

② Class rates apply on Interstate traffic only.

③ For Class rates applicable on Arizona Intrastate traffic only, see pages 80, 81 and 82 of tariff.

R Indicates reduction in rates.



**SPECIAL SUPPLEMENT TO TARIFFS****UNITED STATES RAILROAD ADMINISTRATION,****W. G. McAdoo, Director General of Railroads.**

ISSUED BY

**Atchison, Topeka & Santa Fe Railway****Atchison, Topeka & Santa Fe Railway—Coast Lines****Atchison, Topeka & Santa Fe Railway—**{Santa Fe, Prescott &  
Phoenix Lines**Grand Canyon Railway**(Concurrence FX4-No. 71)**Gulf, Colorado & Santa Fe Railway**(Concurrence FX4-No. 72)**Kansas Southwestern Railway**(Concurrence FX4-No. 2)**Leavenworth & Topeka Railway**(W. A. Austin, Receiver)(Concurrence FX5-No. 3)**Panhandle & Santa Fe Railway**(Concurrence FX5-No. 1)**Port Bolivar Iron Ore Railway**(Concurrence FX5-No. 1)**Rio Grande, El Paso & Santa Fe Railroad**(Concurrence FX5-No. 1)

APPLYING IN CONNECTION WITH

Participating Carriers shown in Tariffs and Supplements thereto enumerated herein.

**INCREASE IN RATES.****Rates named in Tariffs and Supplements thereto, listed on page 2, are hereby  
increased the amount shown on page 2.****(See Application of Rates, page 2.)**

Increased joint rates and charges contained in this schedule are filed on one day's notice under authority of Interstate Commerce Commission's Fifteenth Section Order No. 666, of May 27, 1918, without formal hearing, which approval shall not affect any subsequent proceeding relative thereto.

This schedule contains rates that are departures from the terms of the amended Fourth Section of the Act to Regulate Commerce under authority of Interstate Commerce Commission's Fourth Section Order No. 7316 of May 27, 1918.

The form of this supplement is permitted by authority of Interstate Commerce Commission Special Permission No. 47201 of July 18, 1918.

**Issued July 29, 1918.****Effective August 1, 1918.**

**NOTE 1.**—Published for the Director General of Railroads and filed on one day's notice with the Interstate Commerce Commission under Freight Rate Authority No. 96, of the Director, Division of Traffic, United States Railroad Administration, dated July 11, 1918.

**F. B. HOUGHTON,**  
F. T. M., A. T. & S. F. Ry.,  
CHICAGO, ILL.**F. H. MANTER,**  
A. G. F. A., A. T. & S. F. Ry.,  
CHICAGO, ILL.**C. C. DANA,**  
G. F. A., P. & S. F. Ry.,  
AMARILLO, TEX.**W. G. BARNWELL,**  
A. F. T. M., A. T. & S. F. Ry.,  
SAN FRANCISCO, CAL.**D. L. MEYERS,**  
A. G. F. A., A. T. & S. F. Ry.,  
CHICAGO, ILL.**W. R. BROWN,**  
O. F. A., R. G. E. P. & S. F. B. R.,  
EL PASO, TEX.**J. R. KOONTZ,**  
G. F. A. {A. T. & S. F. Ry.,  
          {K. S. W. Ry.,  
TOPEKA, KAN.**J. S. HERSHEY,**  
G. F. A., G. C. & S. F. Ry.,  
GALVESTON, TEX.**Issued by**  
**A. G. SHEER,**  
Chief of Tariff Bureau,  
CHICAGO, ILL.





**PETROLEUM AND PETROLEUM PRODUCTS, C. L.**  
This Supplement cancels the increased rates on Petroleum and Petroleum Products (Class or Commodity) except increased rates on Road Oil and Wax Tailings, carloads, contained in the Special Supplement issued June 19, 1918, and effective June 25, 1918.

4½ cents per 100 lbs. higher than the rates (class or commodity) effective May 25, 1918, but not in excess of 5th Class rates as increased June 25, 1918, subject to rule below for disposition of fractions.

When the total charges on a through shipment are constructed on combination of separately established rates applying to and from junction points, first determine the through combination of rates in effect on May 25, 1918, and then increase such combinations of rates by 4 cents per 100 pounds, 5th Class rates as increased June 25, 1918, not to be exceeded.

**MINIMUM CHARGE.**

The minimum charge will be \$15.00 per car. (Does not apply to charge for switching service in connection with a line haul or to intra or inter yard switching.)

In applying increased rates, fractions will be disposed of as follows:

Fractions of less than  $\frac{1}{4}$ , or .25, omit.

Fractions of  $\frac{1}{2}$ , or .25, or greater, but less than  $\frac{3}{4}$ , or .75, state as one-half ( $\frac{1}{2}$ ), or as fifty one-hundredths (.50).  
Fractions of  $\frac{3}{4}$ , or .75, or greater, increase to the next whole figure.

NOTE.—The increases made by this supplement apply to the entire rates as named in the tariffs listed below, whether such rates are published as specific totals or are made up by use of differentials or arbitraries.

I. C. C. No.	Supplement No.	"Santa Fe" Tariff No.	Supplements Containing All Changes from the Original Tariff.	I. C. C. No.	Supplement No.	"Santa Fe" Tariff No.	Supplements Containing All Changes from the Original Tariff.
4295	②22, ②25	8114-A	②20, ②②1, ②22, ②23, ②②4, ②25.	7534	②16, ②17	6642-E	②②14, ②15, ②16, ②②15 ②16, ②17.
4422	15	5791-A	11, ②14, 15.	7536	②14, ②17	6188-G	②②12, ②13, ②14, ②②15 ②16, ②17.
6253	8	7824-E	6, ②7, 8.	7543	8	8225-E	6, ②7, 8.
6636	18	8239-F	16, ②17, 18.	7547	14	6815-F	10, 12, ②13, 14.
6692	21	6055-D	②19, 20, 21.	7548	5	7393-D	3, ②4, 5.
6781	②18, ②22	5963-D	②16, ②②17, ②18, ②20, ②②21, ②22.	7549	②8, ②11	6612-C	②2, ②4, 5, ②②7, ②8 ②②9, ②②10, ②②11.
6821	5	7332-B	3, ②4, 5.	7583	13	5896-H	5, 11, ②12, 13.
6853	②36, ②43	11877	26, ②33, ②34, ②②35, ②36, ②37, ②41, ②②42, ②43.	7696	②5, ②6	7641-I	②3, 4.
6889	2	6841-G	②1, 2.	7679	②5, ②6	②②4, ②5, ②3, ②4.	②②5, ②6.
7010	5	6583-A	1, ②4, 5.	7680	10	12542-B	8, ②9, 10.
7073	②34, ②35	9885-B	②21, ②31, ②32, ②②33, ②34, ②21, ②32, ②33, ②34, ②35.	7730	②5, ②6	8224-B	②3, ②②4, ②5, ②4, ②②5.
7131	9	6204-J	6, ②7, 8, 9.	7732	②3, ②4	6082-G	②6.
7136	4	12280	②3, 4.	7735	②5, ②6	8069-D	②4.
7188	16	8240-C	14, ②15, 16.	7736	②5, ②6	7712-F	②3, ②②4, ②5, ②4, ②②5.
7252	15	10265-B	13, ②14, 15.	7739	②6, ②7	10350-F	②6.
7298	8	11917-A	6, ②7, 8.	7740	②5, ②6	8400-C	②3, ②4, ②②5, ②6, ②4.
7347	4	11700-C	②3, 4.	7824	3	6108-I	②1, 2, 3.
7356	17	11569-B	15, ②16, 17.	7834	2	11636-C	②1, 2.
7359	19	7961-R	②3, 4.	7868	2	12289-D	②1, 2.
7379	19	7466-D	2, 17, ②18, 19.	7905	2	5947-J	②1, 2.
7388	②24, ②26	5681-F	②②②5, ②26, ②24, ②24.	7908	3	6806-H	②1, 2, 3.
7391	25	12040	15, 23, ②24, 25.	7958	7	5705-F	4, ②5, 6, 7.
7421	②24, ②29	5600-F	②18, ②22, ②②23, ②24, ②23, ②27, ②②28, ②29.	7965	2	6717-B	②1, 2.
7428	13	9777-E	11, ②12, 13.	7971	15	9428-C	13, ②14, 15.
7442	14	7555-E	11, 12, ②13, 14.	②12	13	②4-B	②11, 12.
7469	②11, ②20	9367-C	②②9, ②②10, ②11, ②17, ②18, ②②19, ②20.	②39	11	②128	6, 7, ②10, 11.
7475	15	5645-G	11, 13, ②14, 15.				
7502	②11, ②12	5760-G	②8, ②②9, ②10, ②11, ②9, ②②10, ②11, ②12.				
7504	26	6510-F	22, 24, ②25, 26.				

①Indicates effective supplements to the I. C. C. No.

② Indicates effective supplements to the Tariff No.

③ Indicates special supplement covering general increase in rates, issued June 19, 1918.

④ Indicates K. S. W. Ry. Tariff and I. C. C. No.

⑤ Indicates Okla. Cent. Ry. (now A. T. & S. F. Ry.) Tariff and I. C. C. No.



NOTE.—RATES AND CHARGES NAMED IN THIS SUPPLEMENT ARE NOT SUBJECT TO INCREASES SHOWN IN SPECIAL SUPPLEMENT No. 42 OF TARIFF, SUPPLEMENT No. 35 TO I. C. C. No. 6853.

Supplements to this Tariff will be  
in effect at any time.

Supplement No. 41  
(Cancels Supplements Nos. 39 and 40)  
(Supplements Nos. 26, 33 and 41 contain all changes from  
the original tariff that are effective on the date hereof)

to  
I. C. C. No. 6853.

### SUPPLEMENT No. 48

(Cancels Supplements Nos. 46 and 47)

Supplements Nos. 26, 33 and 41 contain all changes from the original tariff that are effective on the date hereof

TO

**TARIFF No. 11877.**

Special Supplement

## UNITED STATES RAILROAD ADMINISTRATION,

Director General of Railroads.

**Atchison, Topeka & Santa Fe Railroad—Coast Lines**

**Atchison, Topeka & Santa Fe Railroad—** { Santa Fe, Prescott  
& Phoenix Lines

**Grand Canyon Railroad**

**LOCAL AND JOINT TARIFF**

APPLYING ON

## CLASSES AND COMMODITIES

BETWEEN

Stations in New Mexico and Arizona on Atchison, Topeka & Santa Fe Railroad—Coast Lines,  
Atchison, Topeka & Santa Fe Railroad—Santa Fe, Prescott & Phoenix  
Lines, and Grand Canyon Railroad.

Governed, except as otherwise provided herein, by the Western Classification No. 55 (R. C. Fyfe, Agent, I. C. C.  
No. 13), supplements thereto and reissues thereof; and by Exceptions to said Classification,  
A. T. & S. F. R. R. No. 7185-K, P. F. T. B. Exception Sheet No. 1-F (F. W. Gompf, Agent,  
I. C. C. No. 305), supplements thereto and reissues thereof.

Issued March 4, 1919.

Effective April 14, 1919.

(Except as Noted in Individual Items and on Pages 2, 3, 6, 7 and 8.)

F. B. HOUGHTON,  
F. T. M., A. T. & S. F. R. R.,  
CHICAGO, ILL.

W. G. BARNWELL,  
A. F. T. M., A. T. & S. F. R. R.,  
SAN FRANCISCO, CAL.

A. M. REINHARDT,  
A. G. F. A., A. T. & S. F. R. R.,  
Grand Canyon R. R.,  
LOS ANGELES, CAL.

Issued by  
A. G. SHEER,  
A. G. F. A., A. T. & S. F. R. R.,  
CHICAGO, ILL.  
(Appointment Notice No. 3)



## STATION CHANGES.

Index No.	NOW READS:	Index No.	CHANGE TO READ:	DATE EFFECTIVE.	In Supplement No. to I. C. C.
16	Mineral.....Ariz.	16	*Mineral.....Ariz.	Reissue. November 10, 1918...	37
25	*Hualapai.....Ariz.	25	*Walapai.....Ariz.	Reissue. November 10, 1918...	37
80	*Hardy.....Ariz.	80	*Havre.....Ariz.	Reissue. November 10, 1918...	37
121	*Alaska.....N. M.	121	*Acomita.....N. M.	Reissue. November 10, 1918...	37

## EXCEPTIONS TO CURRENT WESTERN CLASSIFICATION.

Item No.	COMMODITY.	CLASSIFICATION.	
		L. C. L.	C. L.
5-B cancels 5-A	Reissue. Effective May 18, 1917, in Supplement No. 29. Scrap Iron, as described under that heading in the current Western Classification, C. L. .... Min. wt. 30,000 lbs. NOTE.—Applicable only on the A. T. & S. F. R. R.—S. F. P. & P. Lines (Index Nos. 138 to 216, incl.)		E (See Note.)

## RULES AND REGULATIONS.

## REFRIGERATION CHARGES.

ITEM No. 7-A, cancels 7.—Reissue. Effective May 5, 1917, in Supplement No. 28.—The freight rates shown in tariff, or as may be amended, cover the charge for transporting freight only, and do not include charge for any additional service, such as icing, refrigeration, protection of property from frost and freezing, heating, or other such accessorial services, unless otherwise specifically provided in tariffs, lawfully on file with the Interstate Commerce Commission and State Commissions.

## RULES FOR CONSTRUCTING COMBINATION RATES ON:

## PETROLEUM AND PETROLEUM PRODUCTS, C. L.

ITEM No. 26.—Effective March 15, 1919. (See Note 7, below.) [R] When the total charges on a through shipment of Petroleum and Petroleum Products, C. L., classified 5th Class in current Western Classification, are constructed on combination of separately established rates applying to and from junction points, first determine the through combination of rates, in effect on June 24, 1918, and then increase such combination of rates by  $\frac{4}{3}$  cents per 100 pounds, 5th Class rates as increased June 25, 1918, not to be exceeded.

NOTE.—Rule for disposition of fractions. (Rates per 100 pounds):

Fractions of less than  $\frac{1}{4}$ , or .25, omit.

Fractions of  $\frac{1}{4}$ , or .25, or greater, but less than  $\frac{3}{4}$ , or .75, state as one-half ( $\frac{1}{2}$ ), or as fifty one-hundredths (.50).

Fractions of  $\frac{3}{4}$ , or .75, or greater, increase to the next whole figure.

## BRICK, GRAVEL, SAND AND STONE, C. L.

ITEM No. 27.—Reissue. Effective February 15, 1919, in Supplement No. 40 to I. C. C. No. 6853, Supplement No. 47 to tariff. Rule shown in Special Supplement No. 35 to I. C. C. No. 6853, Supplement No. 42 to tariff for constructing combination rates on Brick (except Enameled or Glazed), C. L., Sand and Gravel, C. L., Stone, Artificial and Natural, Building and Monumental (except carved, lettered, polished or traced), C. L., Stone, Broken, Crushed and Ground, C. L., and articles taking same rates, or arbitraries over or under same, is cancelled.

Except as otherwise provided in subsequent supplements, rates on Brick (except Enameled or Glazed), C. L., Sand and Gravel, C. L., Stone, Artificial and Natural, Building and Monumental (except carved, lettered, polished or traced), C. L., Stone, Broken, Crushed and Ground, C. L., are subject to the rules for constructing combination rates, as provided in "Santa Fe" Tariff No. 12900 (Agent Eugene Morris' Freight Tariff No. 228, I. C. C. No. U. S. 1), supplements thereto or reissues thereof.

## MAXIMUM RATES IN ARIZONA.

ITEM No. 30-A, cancels No. 30.—Effective April 14, 1919. (See Note 1 below.) [A] Refer to page 12 of tariff and cancel Item No. 30, relative to maximum rates within Arizona.

\*No Agent. On shipments destined to points prefixed thus (\*), freight charges must be prepaid.

NOTE 1.—Published for the Director General of Railroads and filed on thirty (30) days' notice with the Interstate Commerce Commission under Freight Rate Authority No. 4602 of the Director, Division of Traffic, United States Railroad Administration, dated February 5, 1919.

NOTE 7.—Published for the Director General of Railroads and filed on one (1) day's notice with the Interstate Commerce Commission under Freight Rate Authority No. 96 of the Director, Division of Traffic, United States Railroad Administration, dated July 11, 1918.

[A] Indicates advance.

[R] Indicates reduction.









Only three Supplements to this Tariff will be  
in effect at any time.

Supplement No. 47  
(Cancels Supplement No. 46)  
(Supplements Nos. 26, 33 and 47 contain all changes from  
the original tariff that are effective on the date hereof)  
to  
I. C. C. No. 6853.

**SUPPLEMENT No. 54**

(Cancels Supplement No. 53)

(Supplements Nos. 26, 33 and 54 contain all changes from the original tariff that are effective on the date hereof)

TO

**TARIFF No. 11877.**

①Special Supplement.

**UNITED STATES RAILROAD ADMINISTRATION,**

Director General of Railroads.

The following carriers under Federal control are party to this issue under authority of Appointment Notice No. 3,  
November 29, 1918, filed with the Interstate Commerce Commission by the Director General of Railroads:

**Atchison, Topeka & Santa Fe Railway—Coast Lines**  
**Atchison, Topeka & Santa Fe Railway—** Santa Fe Prescott &  
**Grand Canyon Railway** Phoenix Lines

**LOCAL AND JOINT FREIGHT TARIFF**

APPLYING ON

**CLASSES AND COMMODITIES**

BETWEEN

Stations in New Mexico and Arizona on Atchison, Topeka & Santa Fe Railway—Coast Lines,  
Atchison, Topeka & Santa Fe Railway—Santa Fe Prescott & Phoenix Lines  
and Grand Canyon Railway.

Governed, except as otherwise provided herein, by the Western Classification No. 100, 1st Edition, 1917, Agent, I. C. C.  
No. 13), supplements thereto and reissues thereof; and by Exception No. 10 to said Classification,  
A. T. & S. F. Ry. No. 7185-K, P. F. T. B. Exception Sheet No. 1-F (F. W. Gomph, Agent,  
I. C. C. No. 305), supplements thereto and reissues thereof. (See Note 1.)

**NOTE 1.**—Exceptions to the current Western Classification on Petroleum Crude Oil and Petroleum Gas Oil, straight carloads,  
also Petroleum Fuel Oil, viz.: Refinery Residuum, straight carloads and Engine (Naphtha) Distillate, carloads, shown in Items 400-A  
and 405-B, or as amended, of A. T. & S. F. Ry. No. 7185-K (Pacific Freight Tariff Bureau Exception Sheet No. 1-F, I. C. C. No. 305  
of F. W. Gomph, Agent), will not apply in connection with rates named herein. Items Nos. 22, 23, 26-A and 572-B herein will apply.

Issued November 6, 1919.

Effective December 15, 1919.

(Except as noted in individual items and on page 7.)

**F. B. HOUGHTON,**  
F. T. M., A. T. & S. F. Ry.,  
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**A. M. REINHARDT,**  
A. G. F. A., A. T. & S. F. Ry.,  
Grand Canyon Ry.,  
LOS ANGELES, CAL.

**W. G. BARNWELL,**  
A. F. T. M., A. T. & S. F. Ry.,  
SAN FRANCISCO, CAL.

Issued by  
**CHARLES CROSKY,**  
Chief of Tariff Bureau,  
CHICAGO, ILL.

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## STATION CHANGES.

Index No.	NOW READS:	Index No.	CHANGE TO READ:	DATE EFFECTIVE.	In Supplement No. to I. C. C.
16	*Mineral.....Aris.	16	*Mineral.....Aris.	Reissue. November 10, 1918...	37
25	*Hualapai.....Aris.	25	*Walapai.....Aris.	Reissue. November 10, 1918...	37
80	*Hardy.....Aris.	80	*Havre.....Aris.	Reissue. November 10, 1918...	37
121	*Alaska.....N. M.	121	*Acomita.....N. M.	Reissue. November 10, 1918...	37

## ADDED STATIONS.

Index No.	NEW STATIONS.	AT SAME RATES AS APPLY TO (OR FROM):	Index No.	DATE EFFECTIVE.	In Supplement No. to I. C. C.	Tariff.
103-A	*McCune.....N. M.	{**Zuni.....N. M.	103	Reissue. June 20, 1919.....	44	51
103-B	*Sona.....N. M.	{**Wingate.....N. M.	104	Reissue. June 20, 1919.....	44	51
		(See Item No. 328 on page 7 for rates.)				

## EXCEPTIONS TO CURRENT WESTERN CLASSIFICATION.

Item No.	COMMODITY.	CLASSIFICATION.
5-C cancels 5-B	Reissue. Effective August 14, 1919, in Supplement No. 45 to I. C. C. No. 6853; Supplement No. 52 to tariff. Scrap Iron, as described under that heading in the current Western Classification, C. L. .... Min. wt. 30,000 lbs. NOTE.—Applicable only on the A. T. & S. F. Ry.—S. F. P. & P. Lines (Index Nos. 138 to 216, incl.)	L. C. L. C. L. Cancel Item No. 5-B. Class rates apply.

## RULES AND REGULATIONS.

## REFRIGERATION CHARGES.

ITEM No. 7-A, cancels 7.—Reissue. Effective May 5, 1917, in Supplement No. 28.—The freight rates shown in tariff, or as may be amended, cover the charge for transporting freight only, and do not include charge for any additional service, such as icing, refrigeration, protection of property from frost and freezing, heating, or other such accessory services, unless otherwise specifically provided in tariffs, lawfully on file with the Interstate Commerce Commission and State Commissions.

## BASIS FOR MAKING RATES ON PETROLEUM AND PETROLEUM PRODUCTS, CARLOADS.

(See Note 1 on title page; also Item No. 23.)

[Item No. 22. Effective December 15, 1919, in Supplement No. 47 to I. C. C. No. 6853; Supplement No. 54 to tariff (see Note 3 below).

Except where lower commodity rates on Petroleum and Petroleum Products classified Fifth Class in the current Western Classification, carloads, are specifically published herein, rates made as provided in the following rules will apply.

(a) Petroleum and Petroleum Products, carloads, classified Fifth Class in current Western Classification, except as otherwise provided in paragraph (b) and (c): Where the Fifth Class rate (disregarding the minimum Fifth Class rate) is the same as the figure shown in Column 1 of Table of Rates, pages 4 and 5, the rate to apply will be made by adding 4½ cents per 100 lbs. to the figure shown opposite in Column 2; Fifth Class rate from point of origin to destination not to be exceeded.

(b) Petroleum Crude Oil and Petroleum Gas Oil, straight carloads, also Petroleum Fuel Oil, viz.: Refinery Residuum, straight carloads: Where the Class "D" rate (disregarding the minimum Class "D" rate) is the same as the figure shown in Column 1 of Table of Rates, pages 4 and 5, the rate to apply will be made by adding 4½ cents per 100 lbs. to the figure shown opposite in Column 4; Fifth Class rate from point of origin to destination not to be exceeded.

(c) (Applies only on Arizona Intrastate Traffic.) Engine (naphtha) Distillate, carloads: Where the Fifth Class rate (disregarding the minimum Fifth Class rate), is the same as the figure shown in Column 1 of Table of Rates, pages 4 and 5, the rate to apply will be made by adding 4½ cents per 100 lbs. to the figure shown opposite in Column 4; Fifth Class rate from point of origin to destination not to be exceeded.

## MINIMUM CARLOAD WEIGHT ON PETROLEUM CRUDE OIL, ETC., AND DISTILLATE.

ITEM No. 23.—Effective December 15, 1919, in Supplement No. 47 to I. C. C. No. 6853; Supplement No. 54 to tariff. (Applicable in connection with Items 22, 26-A and 125.)

(a) Petroleum Crude Oil and Petroleum Gas Oil, straight carloads; also Petroleum Fuel Oil, viz.: Refinery Residuum, straight carloads.

(b) Engine (Naphtha) Distillate, carloads on Interstate traffic.

Minimum carload weight in packages 30,000 lbs., in tank cars subject to Rule 32 of current Western Classification except on Arizona Intrastate traffic, the minimum weight for the above commodities in packages is 26,000 lbs.

## COMBINATION RATES ON PETROLEUM AND PETROLEUM PRODUCTS, CARLOADS.

(See Note 1 on title page; also Item No. 23.)

ITEM No. 26-A, cancels 26.—Effective December 15, 1919, in Supplement No. 47 to I. C. C. No. 6853; Supplement No. 54 to tariff. Where through rate from point of origin to destination on Petroleum and Petroleum Products, classified Fifth Class in the current Western Classification, carloads, is made by combination of two or more separately established factors, such through rate will be constructed in the following manner:

## SECTION 1.

Petroleum and Petroleum Products, classified Fifth Class in current Western Classification, carloads, except as otherwise provided in Sections 2 and 3:

(a) Where the separately established Fifth Class rate (disregarding the minimum Fifth Class rate) is the same as the figure shown in Column 1 of Table of Rates, pages 4 and 5, the factor for basing the through rate will be the figure shown opposite in Column 2.

(b) Where the separately established Commodity Rate is the same as the figure shown in Column 1 of Table of Rates, pages 4 and 5, the factor for basing the through rate will be the figure shown opposite in Column 3.

(c) To the sum of the factors arrived at by use of formula in paragraph (a), or paragraph (b) or paragraphs (a) and (b), add 4½ cents per 100 lbs.; Fifth Class rate from point of origin to destination not to be exceeded.

\*No Agent. On shipments destined to points prefixed thus (\*), freight charges must be prepaid.

\*Which ever station is the more distant point per paragraphs A and B of intermediate application of tariff, as amended.

\*Carload freight only handled.

[R]Indicates reduction.  
†Indicates change other than advance or reduction.

NOTE 3.—Published for the Director General of Railroads and filed with the Interstate Commerce Commission under Freight Rate Authority No. 96 of the Director, Division of Traffic, United States Railroad Administration, dated July 11, 1918.



## RULES AND REGULATIONS—Concluded.

## SECTION 2.

Item No. 26-A—Concluded (cancels No. 26).

**Petroleum Crude Oil, and Petroleum Gas Oil, straight carloads, also Petroleum Fuel Oil, viz.: Refinery Residueum, straight carloads:**

(a) Where the separately established Class "D" rate (disregarding the minimum Class "D" rate) is the same as the figure shown in Column 1 of Table of Rates, pages 4 and 5, the factor for basing the through rate will be the figure shown opposite in Column 2.

(b) Where the separately established **Commodity Rate** is the same as the figure shown in Column 1 of Table of Rates, pages 4 and 5, the factor for basing the through rate will be the figure shown opposite in Column 3.

(c) To the sum of the factors arrived at by formula in paragraph (a), or paragraph (b), or paragraphs (a) and (b), add  $\frac{1}{2}$  cents per 100 lbs.; Fifth Class rate from point of origin to destination not to be exceeded.

## SECTION 3.

**Engine (naphtha) Distillate.** (Applies only on Arizona Intrastate Traffic.)

(a) Where the separately established Fifth Class rate (disregarding the minimum Fifth Class rate) is the same as the figure shown in Column 1 of Table of Rates, pages 4 and 5, the factor for basing the through rate will be the figure shown opposite in Column 4.

(b) Where the separately established **Commodity Rate** is the same as the figure shown in Column 1 of Table of Rates, pages 4 and 5, the factor for basing the through rate will be the figure shown opposite in Column 5.

(c) To the sum of the factors arrived at by use of formula in paragraph (a), or paragraph (b), or paragraphs (a) and (b), add  $\frac{1}{2}$  cents per 100 lbs.; Fifth Class rate from point of origin to destination not to be exceeded.

## RULES FOR CONSTRUCTING COMBINATION RATES ON BRICK, GRAVEL, SAND AND STONE, C. L.

ITEM No. 27-B, cancels 27-A.—**Reissue.** Effective February 15, 1919 (except as noted), in Supplement No. 40 to I. C. C. No. 6853, Supplement No. 47 to tariff. Rule shown in Special Supplement No. 35 to I. C. C. No. 6853, Supplement No. 42 to tariff, for constructing combination rates on Brick (except Enamelled or Glazed), C. L., Sand and Gravel, C. L., Stone, Artificial and Natural, Building and Monumental (except carved, lettered, polished or traced), C. L., Stone, Broken, Crushed and Ground, C. L., and articles taking same rates, or arbitraries over or under same, is cancelled.

Effective December 15, 1919. (See Note 4, below.)

Except as otherwise provided in Item No. 437, rates on Brick (except Enamelled or Glazed); Clay; Shale; and Clay Products on which rates are the same as or based on arbitraries over the rates on Brick (except enameled or glazed), C. L., Sand and Gravel, C. L., Stone, Artificial and Natural, Building and Monumental (except carved, lettered, polished or traced), C. L., Stone, Broken, Crushed and Ground, C. L., are subject to the rules for constructing combination rates, as provided in "Santa Fe" Tariff No. 12900 (Agent W. J. Kelly's Freight Tariff No. 228, I. C. C. No. U. S. 1), supplements thereto or reissues thereof.

## MAXIMUM RATES IN ARIZONA.

ITEM No. 30-A, cancels No. 30.—**Reissue.** Effective April 14, 1919, in Supplement No. 41 to I. C. C. No. 6853, Supplement No. 48 to tariff. Refer to page 12 of tariff and cancel Item No. 30, relative to maximum rates within Arizona.

MINIMUM RATES AND CHARGES.  
Minimum Class Rates in Cents per 100 lbs.

ITEM No. 33-B, cancels 33-A.—Effective December 15, 1919, in Supplement No. 47 to I. C. C. No. 6853, Supplement No. 54 to tariff. (See Note 3, below.) Rate on any article on which exceptions to Western Classification provide a different rating than as shown in 51 to tariff. Rate on any article on which exceptions to Western Classification provide a different rating than as shown in the Western Classification will be subject to the minimum as provided below for the class provided therefor in the current Western Classification. (See Exception, also Note.)

**Exception.**—On shipments of Old Wooden Boxes, carloads, minimum weight 12,000 lbs., subject to Rule 6-B of current Western Classification, the minimum class rate will be determined by the use of class "B".

**NOTE.**—On continuous through movement of freight on which charges are obtained by use of combinations of separately established class rates and from junction points, the minimum scale of class rates prescribed below shall apply, not in connection with each of the separately established factors but to the total of the combined rates applicable to the through continuous movements.

## IN CENTS PER 100 LBS.

CLASSES.	1	2	3	4	5	A	B	C	D	E
Rates.....	25	21	17½	15	11	12½	9	7½	6½	5

\***Rate** on Petroleum and Petroleum Products, carloads, made under method provided in Items Nos. 22 and 26-A are not subject to minimum rate of 11 cents, except where 5th Class rate is applied as maximum.

## MINIMUM CHARGE ON LESS-THAN-CARLOAD SHIPMENTS.

ITEM No. 35-C, cancels 35-B.—**Reissue.** Effective March 15, 1919, in Supplement No. 41 to I. C. C. No. 6853, Supplement No. 48 to tariff. The minimum charge on less-than-carload shipments shall be as provided in the current Western Classification, but in no case shall the charge on a single shipment be less than fifty (50) cents. (See Note.)

**NOTE.**—In case of a continuous through movement of a shipment handled on combination of separate rates the fifty (50) cent minimum herein prescribed does not apply to the separate factors, but to the total of the combined charges.

## MINIMUM CHARGE FOR CARLOAD SHIPMENTS.

ITEM No. 40-C, cancels 40-B.—**Reissue.** Effective June 20, 1919, in Supplement No. 44 to I. C. C. No. 6853, Supplement No. 51 to tariff. The minimum charge for carload shipments will be \$15.00 per car. Does not apply to carload shipments of:

Boxes, Old, Wooden,	Forest Products, viz.:		
Brick,	Bark,	Waste, consisting of:	Manure,
Cement,	Bills,	Boughs,	Ore,
Chert,	Bolts,	Edgings,	Sand and Gravel,
Coal,	Logs,	Hog Product,	Slag,
Coke,	Cordwood,	Listings,	Shingle Tow,
	Fuelwood,	Broken Lumber of miscellaneous widths	Stone, broken, crushed or ground,
	Pulpwood,	and lengths but none as long as ten feet.	Sugar Cane,
			Water, plain (not flavored or phosphated), other than carbonated.

Above mentioned exceptions to application of \$15.00 per car minimum charge should be interpreted strictly, so as not to include other articles ordinarily grouped with those named.

**NOTE.**—When the total charges on a continuous through movement of a carload shipment subject to the minimum charge of \$15.00 per car are obtained by combination of separately established rates to and from junction points, the minimum charge of \$15.00 per car prescribed above shall apply, not to each of the separately established rates, but to the total charge made by such combination.

## STOPPING IN TRANSIT OF IRON, SCRAP AND JUNK, ETC.

ITEM No. 20-B, cancels 20-A.—**Reissue.** Effective May 18, 1917, in Supplement No. 29.—Cancel Item (Stopping in Transit of Iron, Scrap and Junk, etc.). No arrangement in effect.

**NOTE 3.**—Published for the Director General of Railroads and filed with the Interstate Commerce Commission under Freight Rate Authority No. 96, of the Director, Division of Traffic, United States Railroad Administration, dated July 11, 1918. **[Indicates reduction.**

**NOTE 4.**—Published for the Director General of Railroads and filed on thirty (30) days' notice with the Interstate Commerce Commission under Freight Rate Authority No. 14580, of the Director, Division of Traffic, United States Railroad Administration, dated September 26, 1919. **[Indicates change other than advance or reduction.**





ITEM No. 125.—Effective December 15, 1919, in Supplement No. 47 to I. C. C. No. 6853; Supplement No. 54 to tariff.

## TABLE OF RATES ON PETROLEUM AND PETROLEUM PRODUCTS.

(See Items Nos. 22 and 26-A for instructions governing use of this table.)

Column 1	Column 2	Column 3	Column 4	Column 1	Column 2	Column 3	Column 4	Column 1	Column 2	Column 3	Column 4	Column 1	Column 2	Column 3	Column 4
3	2½	.....	2	37½	30	33	24	72	57½	67½	46	106½	85	102	68
3½	3	.....	2½	38	30½	33½	24½	72½	58	68	46½	107	85½	102½	68½
4	3	.....	2½	38½	31	34	25	73	58½	68½	47	107½	86	103	69
4½	3½	.....	3	39	31	34½	25	73½	59	69	47½	108	86½	103½	69½
5	4	.....	3½	39½	31½	35	25½	74	59	69½	48	108½	87	104	69½
5½	4½	.....	4	40	32	35½	26	74½	59½	70	47½	109	87	104½	69½
6	5	.....	4½	40½	32½	36	26	75	60	70½	48	109½	87½	105	70
6½	5	.....	4	41	33	36½	26½	75½	60½	71	48½	110	88	105½	70½
7	5½	.....	4½	41½	33	37	26½	76	61	71½	49	110½	88½	106	71
7½	6	.....	5	42	33½	37½	27	76½	61	72	49	111	89	106½	71½
8	6½	.....	5½	42½	34	38	27½	77	61½	72½	49½	111½	89	107	71½
8½	7	.....	6	43	34½	38½	27½	77½	62	73	49½	112	89½	107½	71½
9	7	.....	6½	43½	35	39	28	78	62½	73½	50	112½	90	108	72
9½	7½	.....	7	44	35	39½	28	78½	63	74	50½	113	90½	108½	72½
10	8	.....	7½	44½	35½	40	28½	79	63	74½	50½	113½	91	109	73
10½	8½	.....	8	45	36	40½	29	79½	63½	75	51	114	91	109½	73
11	9	.....	8½	45½	36½	41	29½	80	64	75½	51½	114½	91½	110	73½
11½	9½	.....	9	46	37	41½	29½	80½	64½	76	51½	115	92	110½	73½
12	9½	.....	9½	46½	37½	42	30	81	65	76½	52	115½	92½	111	74
12½	10	.....	8	47	37½	42½	30	81½	65	77	52	116	93	111½	74½
13	10½	.....	8½	47½	38	43	30½	82	65½	77½	52½	116½	93	112	74½
13½	11	.....	9	48	38½	43½	31	82½	66	78	53	117	93½	112½	75
14	11	.....	9½	48½	39	44	31½	83	66½	78½	53½	117½	94	113	75½
14½	11½	.....	10	49	39	44½	31½	83½	67	79	53½	118	94½	113½	75½
15	12	.....	10½	49½	39½	45	31½	84	67	79½	53½	118½	95	114	76
15½	12½	.....	11	50	40	45½	32	84½	67½	80	54	119	95	114½	76
16	13	.....	11½	50½	40½	46	32½	85	68	80½	54½	119½	95½	115	76½
16½	13½	.....	12	51	41	46½	33	85½	68½	81	55	120	96	115½	77
17	13½	.....	12½	51½	41	47	33	86	69	81½	55½	120½	96½	116	77½
17½	14	.....	13	52	41½	47½	33½	86½	69	82	55½	121	97	116½	77½
18	14½	.....	13½	52½	42	48	33½	87	69½	82½	55½	121½	97	117	77½
18½	15	.....	14	53	42½	48½	34	87½	70	83	56	122	97½	117½	78
19	15½	.....	14½	53½	43	49	34½	88	70½	83½	56½	122½	98	118	78½
19½	15½	.....	15	54	43	49½	34½	88½	71	84	57	123	98½	118½	79
20	16	.....	15½	54½	43½	50	35	89	71	84½	57	123½	99	119	79½
20½	16½	.....	16	55	44	50½	35½	89½	71½	85	57½	124	99	119½	79½
21	17	.....	16½	55½	44½	51	35½	90	72	85½	57½	124½	99½	120	79½
21½	17½	.....	17	56	45	51½	36	90½	72½	86	58	125	100	120½	80
22	17½	.....	17½	56½	45	52	36	91	73	86½	58½	125½	100½	121	80½
22½	18	.....	18	57	45½	52½	36½	91½	73	87	58½	126	101	121½	81
23	18½	.....	18½	57½	46	53	37	92	73½	87½	59	126½	101	122	81
23½	19	.....	19	58	46½	53½	37½	92½	74	88	59½	127	101½	122½	81½
24	19	.....	19½	58½	47	54	37½	93	74½	88½	59½	127½	102	123	81½
24½	19½	.....	20	59	47	54½	37½	93½	75	89	60	128	102½	123½	82
25	20	.....	20½	59½	47½	55	38	94	75	89½	60	128½	103	124	82½
25½	20½	.....	21	60	48	55½	38½	94½	75½	90	60½	129	103	124½	82½
26	21	.....	21½	60½	48½	56	39	95	76	90½	61	129½	103½	125	83
26½	21½	.....	22	61	49	56½	39½	95½	76½	91	61½	130	104	125½	83½
27	21½	.....	22½	61½	49	57	39½	96	77	91½	61½	130½	104½	126	83½
27½	22	.....	23	62	49½	57½	39½	96½	77	92	61½	131	105	126½	84
28	22½	.....	23½	62½	50	58	40	97	77½	92½	62	131½	105	127	84
28½	23	.....	24	63	50½	58½	40½	97½	78	93	62½	132	105½	127½	84½
29	23	.....	24½	63½	51	59	41	98	78½	93½	63	132½	106	128	85
29½	23½	.....	25	64	51	59½	41	98½	79	94	63½	133	106½	128½	85
30	24	.....	25½	64½	51½	60	41½	99	79	94½	63½	133½	107	129	85½
30½	24½	.....	26	65	52	60½	41½	99½	79½	95	63½	134	107	129½	85½
31	25	.....	26½	65½	52½	61	42	100	80	95½	64	134½	107½	130	86
31½	25½	.....	27	66	53	61½	42½	100½	80½	96	64½	135	108	130½	86½
32	26	.....	27½	66½	53	62	42½	101	81	96½	65	135½	108½	131	87
32½	26½	.....	28	67	53½	62½	43	101½	81	97	65	136	109	131½	87½
33	26½	.....	28½	67½	54	63	43½	102	81½	97½	65½	136½	109	132	87
33½	27	.....	29	68	54½	63½	43½	102½	82	98	65½	137	109½	132½	87½
34	27	.....	29½	68½	55	64	44	103	82½	98½	66	137½	110	133	88
34½	27½	.....	30	69	55	64½	44	103½	83	99	66½	138	110½	133½	88½
35	28	.....	30½	69½	55½	65	44½	104	83	99½	66½	138½	111	134	89
35½	28½	.....	31	70	56	65½	45	104½	83½	100	67	139	111	134½	89
36	29	.....	31½	70½	56½	66	45½	105	84	100½	67½	139½	111½	135	89
36½	29½	.....	32	71	57	66½	45½	105½	84½	101	67½	140	112	135½	89½
37	29½	.....	32½	71½	57	67	45½	106	85	101½	68	140½	112½	136	90

(Item No. 125 concluded on page 5.)





INTERSTATE COMMERCE COMMISSION,  
Washington.

I, George B. McGinty, Secretary of the Interstate Commerce Commission, do hereby certify that the attached (consisting of five typewritten pages) are true copies of the title page and contain true and correct extracts from Tariff Circular No. 18-A, regulations to govern the construction and filing of freight tariffs and classifications and passenger fare schedules approved by the Interstate Commerce Commission February 13, 1911, and now on file and of record in the office of this Commission. I further certify that the rules contained in said extracts were in effect during the period of Federal control, December 28, 1917, and March 1, 1920.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Commission this 14th day of August, A. D. 1925.

(Seal of the Interstate Commerce Commission.)

GEORGE B. McGINTY,

Secretary of the Interstate Commerce Commission.

## DEFENDANTS' EXHIBIT "G."

## TARIFF CIRCULAR No. 18-A.

CONTAINS REVISION OF AND CANCELS  
TARIFF CIRCULAR 17-A AND SUPPLE-  
MENT No. 1. ALSO CANCELS SPECIAL  
ORDERS No. 4, No. 7 AND No. 11, AND  
SPECIAL CIRCULARS (BUREAU OF  
TARIFFS) No. 8 AND No. 9.

## INTERSTATE COMMERCE COMMISSION.

## Regulations

## To Govern the

Construction and Filing of Freight  
Tariffs and Classifications and  
Passenger Fare Schedules.

## ADMINISTRATIVE RULINGS.

## REVISED BY ORDER OF COMMISSION.

Approved February 13, 1911. Effective March  
31, 1911. (Except as noted in individual items.)

## WASHINGTON

## GOVERNMENT PRINTING OFFICE.

1911. [229]

## Rule 3.

The title page of every tariff shall show:

- (a) Name of issuing carrier, carriers, or agent.

## Rule 4.

Tariffs in book or pamphlet form shall contain  
in the order named:

- (b) Names of issuing carriers, including those  
for which joint agent issues under power of attor-

ney, and names of carriers participating under concurrence, alphabetically arranged.

(d) An alphabetical index of points from which rates apply, and an alphabetical index of points to which rates apply, together with names of States in which located. When practicable, the index numbers of points and pages upon which rates will be found, or item numbers in which rates from or to such points appear, should be shown. If there be not more than 12 points of origin or 12 points of destination, the name of each may, if practicable, be specified on title-page of tariff.

If a tariff is arranged by groups of origin or destination, by bases, or by bases numbers, the indices must show for each point the proper group, basis, or basis number.

If points of origin or of destination are shown throughout the rate tables in continuous alphabetical order, or are shown alphabetically by States and such States are alphabetically arranged, or are shown by groups alphabetically arranged, no index of points of origin or destination will be required. But when such alphabetical arrangement in rate tables is used the table of contents shall indicate the pages upon which points are so shown, and when arranged by States or groups shall give specific reference to the pages on which rates to or from points in each State of group will be found.

[230]

If a tariff is constructed so as to state rates by groups or bases, and also states specific rates to or from individual points, it shall contain an

alphabetical index of such individual points and also alphabetical lists of the points in such groups, or reference to the I. C. C. number of issue which contains lists of such group points.

Geographical description of application of tariff may be used only when the tariff applies to or from all points in one or more States or Territories or when it applies to or from all points in a State or Territory except those specified. But such list of exceptions for a single State or Territory may not exceed one-third of the number of points in that State or Territory to or from which (as the case may be) the tariff will apply. For example, a tariff may state that it applies from all points in New York, Pennsylvania, and New Jersey, and from all points in Delaware, except (here give alphabetical list of excepted points), and from the following points in Ohio (here alphabetically give list of Ohio points.)

Traffic territorial or group descriptions may be used to designate points to or from which rates named in the tariff apply, provided a complete list of such points arranged by traffic territories or groups is printed in the tariff or specific reference is given to the I. C. C. number of the issue that contains such list. In this list the points in each traffic territorial or group description shall be arranged alphabetically, and the name or names of roads upon which points are located must be shown; or all of the points in traffic territories or groups named in the tariff may be included in one alphabetical index, provided (1) that points of origin



and points of destination are shown separately, alphabetically; (2) that the name or names of roads upon which points are located and the traffic territorial or group description in which they belong are shown opposite the several points. [231]

(h) Rules and regulations which govern the tariff, the title of each rule or regulation to be shown in bold type. Under this head all of the rules, regulations, or conditions which in any way affect the rates named in the tariff shall be entered, except that a special rule applying to a particular rate shall be shown in connection with and on the same page with such rate.

No rule or regulation shall be included which in any way or in any terms authorizes substituting for any rate named in the tariff a rate found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule or regulation is a part.

\* \* \*

A carrier or an agent may publish, under I. C. C. number, post, and file a tariff publication containing the rules and regulations which are to govern certain rate schedules, and such publication may be made a part of such rate schedules by the specific reference "Governed by rules and regulations shown in — I. C. C. No. —. "When a tariff makes reference to another tariff the I. C. C. number of such other tariff must be given, and when such tariff referred to is the publication of another carrier or an agent, the initials of such other car-

rier or the name of such agent, respectively, must be shown in connection with the I. C. C. number.

A rate schedule may in like matter refer to another schedule for the governing rules and regulations.

A schedule or a publication so referred to must be on file with the Commission and be posted at every place where a schedule that refers to it is posted.

#### Rule 5.

(a) The practice on part of carriers of accepting and [232] transporting through shipments, as to which no joint rate applies, upon rates made up by combination of the rates of the several carriers participating in the movement, and of collection, as delivering carriers, the aggregate charges of the several carriers upon such shipments, and of accounting to such carriers for their several portions of such charges, is practically universal. That custom has the same binding effect as a joint rate, both as between carriers themselves and as between carriers and shippers. Therefore carriers may construct rates for through shipments to and from points to and from which there is no applicable published joint rate, by using lawfully published and filed bases, locals or proportionals, in connection with other lawfully published and filed tariffs. In making up a combination rate all limitations which a tariff places upon the use of a basing, proportional, or arbitrary rate must be fully observed.

(b) Tariffs containing basing or proportional rates must specify clearly the extent and manner

of their use, and tariffs that are especially intended for use in connection with published basing rates must show the I. C. C. Numbers of tariffs in which bases can be found. \* \* \*

Rule 10.

(a) Each carrier shall publish, with proper I. C. C. numbers post, and file separate tariffs which shall contain in clear, plain, and specific form and terms all the terminal charges and all allowances, such as arbitraries, switching, icing, storage, elevation, diversion, reconsignment transit privileges, and car service, together with all other privileges, charges, and rules, which in any way increase or decrease the amount to be paid on any shipment as stated in the tariff which contains the rate applicable to such shipment, or which increase or decrease the value of the service to the shipper. Such tariffs must stipulate clearly the [233] extent of such privileges and the charges connected therewith, and shall also state whether or not the rate published by the initial carrier from the point of origin to ultimate destination will apply. If the through rate does apply it must be as of the date of shipment from point of origin.

If such privilege is granted or charge is made in connection with the rate under which the shipment moves from point of origin, the initial carrier's tariff which contains such rate must also show the privilege or the charge or must state that shipments thereunder are entitled to such privileges and subject to such charges according to the tariffs of the carriers granting the privileges or perform-

ing the services, as "lawfully on file with the Interstate Commerce Commission." [234]

#### TARIFF CIRCULAR 18-A—FREIGHT.

4. (i) An explicit statement of the rates, in cents or in dollars and cents, per 100 pounds, per barrel or other package, per ton or per car, together with the names or designation of the places from and to which they apply, all arranged in a simple and systematic manner. Minimum carload weights must be specifically stated. Tariffs containing rates per ton must specify what constitutes a ton thereunder. A ton of 2,000 pounds must be specified as "net ton" or "ton of 2,000 pounds." A ton of 2,240 pounds must be specified a "gross ton," "long ton," or a "ton of 2,240 pounds." Complicated or ambiguous plans or terms must be avoided.

When a classification or exception sheet contains rules under which numerous commodities are classified as taking a percentage of a class rate (for example, rules similar to Rules 25 and 26 of the Official Classification), class-rate tariffs governed by such classification or exception sheet shall show specifically the rates applicable under such rules just as if those rules were additional numbered or lettered classes.

9. (e) Except as authorized in Rules 8 (d), 9 (i), 9 (k), 11, and 12 (d), tariff of less than 5 pages may have no supplement, change therein may be made only by reissue; not more than one supplement may be in effect at any time to a tariff containing 5 and not more than 16 pages; not more than two supplements may be in effect at any time



to a tariff containing 17 and not more than 111 pages; not more than three supplements may be in effect at any time to a tariff containing more than 111 pages, and such third supplement may be issued only when the smaller of the two effective supplements to that tariff contains not less than 10 per centum of the number of pages in the tariff.  
[235]

## INTERSTATE COMMERCE COMMISSION

Washington.

I, George B. McGinty, Secretary of the Interstate Commerce Commission, do hereby certify that the attached are true copies of the following:

Telegram dated Merced, Calif., Feb. 20, 1925, addressed to George B. McGinty, Secretary, Interstate Commerce Commission, Washington, D. C.; signed W. L. White,

Telegram dated Washington, D. C., February 21, 1925, addressed to W. L. White, Mgr., Yosemite Valley Railroad Company, Merced, Calif., signed Ulysses Butler, Chief Examiner, and

Letter dated Washington, D. C., February 24, 1925, addressed to Mr. S. G. Casade, Traffic Manager, Standard Oil Company (California), Standard Oil Building, San Francisco, Calif., signed Ulysses Butler, Chief Examiner,  
in case No. 12890, Standard Oil Company (California) v. Director General, as Agent, Amador Central Railroad Company, et al.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Commission this 14th day of August, A. D. 1925.

(Seal of the Interstate Commerce Commission.)

GEORGE B. McGINTY,

Secretary of the Interstate Commerce Commission.

[Endorsed]: Filed 8/27/25. [236]

DEFENDANTS' EXHIBIT "H."

1925 Feb 20 PM 11 47

Merced Calif 20

George B McGinty

Secretary Interstate Commerce Commission  
Washington DC

Refer to report of Commission in docket one two eight nine naught Standard Oil Company of California versus Director General as Agent Amador Central Railroad Company et al decided November eleventh nineteen twenty two report indicates that short line defendants are not responsible and entire reparation due from Director General Stop Order in this case dated December tenth nineteen twenty three names all the short lines defendants together with Director General and appears to direct them to pay the amounts set forth therein to the complainant Stop This company has been made party to a suit in the United States District Court filed by the Standard Oil Company and based on the commissions order in this case Can you explain the apparent discrepancy in the com-

*Standard Oil Company (California).* 271

missions decision and order Wire advise my expense

W L WHITE [237]

February 21, 1925

W. L. White,

Mgr. Yosemite Valley Railroad Company,  
Merced, Calif.

Your wire twentieth Inclusion of defendants  
other than Director General in reparation order in  
error Issuance of amended order contemplated

ULYSSES BUTLER

Chief Examiner

COLLECT [238]

JJW-IFH

INTERSTATE COMMERCE COMMISSION

Office of Chief Examiner

Washington.

February 24, 1925

Mr. S. G. Casade, Traffic Manager,  
Standard Oil Company (California),  
Standard Oil Building,  
San Francisco, Calif.

Dear Sir:

The Commission is in receipt of a telegram from  
Mr. W. L. White, Manager, Yosemite Valley Rail-  
road Company, advising that the Commission's or-  
der in docket No. 12890, Standard Oil Company of  
California v. Director General, as Agent, Amador  
Central Railroad Company, et al., is in error to the  
extent it includes the short line carriers involved  
therein.

An examination of the record and the Commission's opinion discloses that the reparation order in question should have been directed against the Director General solely. This is to advise you that an amended order will be issued in this case in conformity with the opinion at the earliest practicable date.

Very truly yours,  
 ULYSSES BUTLER.

Copies to:

Mr. John F. Finerty,  
 Assistant General Counsel,  
 United States Railroad  
 Administration,  
 Washington, D. C.

Mr. W. L. White, Gen'l  
 Mgr.,  
 Yosemite Valley Railroad  
 Company,  
 Merced, Calif.

Mr. F. E. Murphy,  
 Vice Pres., Virginia &  
 Truckee Railway Co.,  
 Carson City, Nev.

Mr. F. O. Dolson,  
 Vice Pres., Holton Inter-  
 urban Railway,  
 Riverside, Calif.

Mr. T. J. Day,  
 General Freight Agent,  
 Pacific Electric Rail-  
 way,  
 670 Pacific Electric  
 Bldg.,  
 Los Angeles, Calif.

Mr. P. H. Cook,  
 Traffic Manager,  
 Nevada Copper Belt  
 Ry. Co.,  
 Mason, Nev.

Messrs. Sanborn  
 Roehl, Nevada-Cali-  
 fornia-Oregon Ry.,  
 San Francisco, Calif.

Mr. D. W. Pontius,  
 Gen'l Mgr.,  
 San Diego & Arizona  
 R. R. Co.,  
 San Diego, Calif.

It was stipulated that the tariffs naming the rates involved in this case are very voluminous, and that, in order to abridge the record herein, counsel have selected from those tariffs two illustrations which are typical of all the other shipments and tariffs involved, and that Defendant's Exhibits "E" and "F" hereinabove set forth are photographic copies of every page of said illustrative tariffs that have any application.

It was stipulated that the tariffs were in evidence before the Interstate Commerce Commission.

It was further stipulated that there were instances where there were specific commodity rates applicable and in others class rates were applicable; and that petroleum was rated fifth class.

Counsel for defendant, James C. Davis, thereupon moved the Court to strike from the record all reference to shipments that did not move some part of the route listed over the Southern Pacific upon the ground that the only service of process in this case, so far as the Director-General is concerned, was upon the Director-General operating the lines of Southern Pacific Company and that, there is not before the Court the Director-General who was operating any of the other railroads over which the shipments moved and that the shipments which did not move over the Southern Pacific lines are not properly in this case. The Court denied the motion, whereupon the defendant Davis duly noted and was allowed an exception.

Thereupon the defendant James C. Davis rested his defense and no other or further evidence was received.

The cause was thereupon orally argued and submitted to the Court upon briefs to be filed, and defendant Davis requested the Court on said submission to make special findings of fact and conclusions of law upon the issues raised by the pleadings. Said briefs having been filed, the cause was duly submitted and thereafter and on the 2d day of August, 1926, the Court filed its [240] opinion herein ordering judgment for plaintiff. On the 7th day of August, 1926, the plaintiff duly served and delivered to the Clerk of said court for the Judge thereof, a draft of its proposed findings of fact and conclusions of law in words and figures as follows: [241]

[Title of Court and Cause.]

### DECISION.

This cause came on regularly for trial on the 27th day of August, 1926, before the Court sitting without a jury, a jury having been waived by written stipulation filed by the parties in the above-entitled action; Marshall P. Madison, representing Messrs. Pillsbury, Madison and Sutro, appearing for the plaintiff and J. E. Lyons and Alex M. Bull appearing for the defendant James C. Davis (Director-General of Railroads) as Agent, for whom the defendant Andrew W. Mellon (Director-General of Railroads) as Agent has been substituted. Evi-



dence both oral and documentary were introduced, and thereupon the cause was submitted to the Court for its decision, and now the Court being fully advised in the premises, and after having fully considered said evidence, makes the following findings of fact and conclusions of law, to wit:

## FINDINGS OF FACT.

### I.

That the rates on file with the Interstate Commerce Commission, as of June 24, 1918, from and to the following points, [242] were as follows:

From	To	Rate	Commodity
Rochester, N. Y.	Colfax, Wash.	\$1.28	Petroleum Products
El Segundo, Cal.	Holtville, Cal.	.63½	Petroleum Products
El Segundo, Cal.	Holtville, Cal.	.51½	Engine (Naphtha) Distillate
Ardmore, Okla.	Holtville, Cal.	1.11½	Gasoline
Dallas, Tex.	Holtville, Cal.	1.11½	Gasoline
Harrys, Tex.	Holtville, Cal.	1.11½	Gasoline
Cushing, Okla.	Holtville, Cal.	1.11½	Gasoline
Ardmore, Okla.	Calexico, Cal.	1.01½	Petroleum Products
Rochester, N. Y.	Willbridge, Ore.	1.28	Petroleum Products
Salt Lake City, Utah	Yerington, Nev.	1.10½	Petroleum Products
Ardmore, Okla.	Yerington, Nev.	1.25½	Gasoline
Richmond, Cal.	Yerington, Nev.	.84	Petroleum Products
Salt Lake City, Utah	Carson City, Nev.	.96½	Petroleum Products
Richmond, Cal.	Carson City, Nev.	.70	Petroleum Products
Sugar Creek, Mo.	Carson City, Nev.	1.09½	Petroleum Products

From	To	Rate	Commodity
Salt Lake City, Utah	Alturas, Cal.	1.20 $\frac{1}{2}$	Petroleum Products
Richmond, Cal.	El Portal, Cal.	.63 $\frac{1}{2}$	Petroleum Products
Richmond, Cal.	El Portal, Cal.	.42 $\frac{1}{2}$	Engine (Naphtha) Distillate
El Segundo, Cal.	Palm City, Cal.	.22	Engine (Naphtha) Distillate
El Segundo, Cal.	Palm City, Cal.	.25	Petroleum Products
El Segundo, Cal.	Santee, Cal.	.28 $\frac{1}{2}$	Petroleum Products
El Segundo, Cal.	Santee, Cal.	.24	Engine (Naphtha) Distillate
Richmond, Cal.	Martell, Cal.	.25 $\frac{1}{2}$	Engine (Naphtha) Distillate
Richmond, Cal.	Martell, Cal.	.30 $\frac{1}{2}$	Petroleum Products
Ardmore, Okla.	Clarkdale, Ariz.	1.15 $\frac{1}{2}$	Gasoline
Ardmore, Okla.	Humboldt, Ariz.	1.08 $\frac{1}{2}$	Gasoline
Wichita Falls, Tex.	Humboldt, Ariz.	1.08 $\frac{1}{2}$	Gasoline
Fort Worth, Tex.	Clarkdale, Ariz.	1.15 $\frac{1}{2}$	Gasoline

increased four and one-half cents for the through continuous movement.

## II.

That in amending the tariffs of rates on petroleum and petroleum products as set forth in plaintiff's petition to make effective the four and one-half cent advance referred to in paragraphs V and VI of said petition, the carriers under federal control included in their tariffs a provision to the effect that when the charges on a continuous through movement are obtained by the combination of separately established rates, the increase of four and one-half cents per hundred pounds will apply as to the total of such combined rates in effect June 24, 1918 (some tariffs provided May 25, 1918), fifth class rates as increased June 25, 1918 not to be exceeded, and to the effect that said increase of four and one-half cents per hundred pounds would not apply to each separately established rate. [243]

## III.

That the shipments made by plaintiff referred to in said petition were made pursuant to and in reliance upon the tariffs referred to in paragraphs V to VII inclusive in said petition and particularly in reliance upon the provision referred to in the foregoing finding. That the rates charged and assessed by the defendant James C. Davis (Director-General of Railroads) as Agent, for whom the defendant Andrew W. Mellon (Director-General of Railroads) as Agent, has been substituted, for transporting the shipments of plaintiff

hereinabove set forth, were in excess of the lawful rates provided in said tariff, and more particularly of the provision in the foregoing finding referred to, in that the four and one-half cent advance was applied by the defendant James C. Davis (Director-General of Railroads) as Agent, for whom the defendant Andrew W. Mellon (Director-General of Railroads) as Agent, has been substituted, upon each separate factor contained in the combination of factors making the rate for the continuous through movement for the particular shipment in question in some cases, and in other cases the four and one-half cent advance was applied on one factor and a twenty-five per cent advance was applied on the other factor contained in the combination of factors making the rate for the continuous through movement for the particular shipment in question, and said advances were not limited to a single four and one-half cent advance on the rate for the continuous through movement made from the combination of factors. That said charges were paid and borne by plaintiff herein.

#### IV.

That by reason of the facts contained in the foregoing finding, plaintiff was subjected to the payment of rates and charges for the transportation of the shipments referred to in said petition, which said rates were, when exacted, in excess of the legally published rates and charges, in violation of Section 1 [244] and Section 6 of the Act to Regulate Commerce, approved February 4, 1887, and acts amendatory thereof and supplementary



thereto, and in violation of Section 10 of the Federal Control Act, and plaintiff was damaged thereby in the sum of \$6,659.33, together with interest thereon at the rate of six per cent (6%) per annum.

V.

That five hundred dollars (\$500) is a reasonable attorney's fee for the prosecution of this action.

VI.

That on the 16th day of January, 1924, the Yosemite Valley Railroad Company, one of the defendants named in the original order of the Interstate Commerce Commission hereinabove referred to, and subsequent to the making of such order, wrote a letter to the Interstate Commerce Commission inquiring as to the proper construction of said order and implying that it should be construed so as to relieve the said Yosemite Valley Railroad Company and other short lines named therein from paying any award thereunder, notwithstanding that the order so stated by its terms.

VII.

That under date of February 12, 1924, the Chief Examiner of said Interstate Commerce Commission advised the said Yosemite Valley Railroad Company that the interpretation of said order contended for and sought for by the said Yosemite Valley Railroad Company was correct, and that it was the true and proper construction of the award notwithstanding the statements contained therein. That subsequent thereto and on or about the 23d day of February, 1925, the said Yosemite Valley

Railroad Company sent a telegram to the said Chief Examiner of said Interstate Commerce Commission advising him that said order was erroneous and that it should be worded so as to clearly set forth that the Director-General alone was liable to pay the award and that the said Yosemite Valley Railroad Company and the other short lines were not liable to pay the award, and thereafter and in response thereto and under date [245] of February 24, 1925, the Chief Examiner of said Interstate Commerce Commission advised this plaintiff, said Director-General and all the carriers named in the original order, that an amended order would be issued in conformity with the application of said Yosemite Valley Railroad Company.

From the foregoing facts the Court finds the following conclusions of law:

### CONCLUSIONS OF LAW.

Plaintiff is entitled to judgment against the defendant Andrew W. Mellon (Director-General of Railroads) as Agent, substituted for James C. Davis (Director-General of Railroads) as Agent, as follows: \$590.47 with interest from November 1, 1919, at 6% per annum; \$79.34 with interest from May 15, 1919, at 6% per annum; \$2149.59 with interest from January 15, 1919, at 6% per annum; \$152.05 with interest from March 22, 1920, at 6% per annum; \$923.46 with interest from April 1, 1919, at 6% per annum; \$420.11 with interest from November 15, 1919, at 6% per annum; \$447.90

with interest from January 15, 1919, at 6% per annum; \$968.18 with interest from May 1, 1919, at 6% per annum; \$928.23 with interest from July 1, 1919, at 6% per annum; together with an attorney's fee of \$500 to be taxed as costs, and together with costs to be taxed.

Dated: San Francisco, California, August —, 1926.

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District Judge. [246]

Thereafter and on the 2d day of September, 1926, and within the time allowed by order of Court and the stipulation of the parties, the defendant Mellon (having been duly substituted for defendant Davis) duly served and delivered to the Clerk of said court for the Judge, his request for special findings of fact and conclusions of law; and specific objections to special findings and conclusions requested by plaintiff, in words and figures as follows: [247]

[Title of Court and Cause.]

DEFENDANT'S REQUEST FOR SPECIAL  
FINDINGS OF FACT AND CONCLUSIONS  
OF LAW; AND OBJECTIONS TO SPECIAL  
FINDINGS OF FACT AND CONCLUSIONS  
OF LAW REQUESTED BY PLAINTIFF.

The defendant, Andrew W. Mellon (Director-General of Railroads) as Agent, considering the facts hereinafter set forth to be proven and the following conclusions of law justified, hereby respect-

fully requests the Court to find and conclude as follows:

### FINDINGS OF FACT.

1. The petition in this case was not served upon the Director-General of Railroads as Agent against whom causes of action may be brought arising out of the operation of the lines of the Atchison, Topeka & Santa Fe Railway Company.

2. The only service in this case was upon the Director-General as a party against whom suits may be brought for causes of action arising out of the operation or control by the President of the lines of the Southern Pacific Company. [248]

3. The rate from Ardmore, Okla., to Holtville, Cal., as actually published in the tariffs on file with the Interstate Commerce Commission was \$1.16 per 100 pounds, being a combination of 94½ cents from Ardmore to Grape, Cal., published in Agent Countiss' Tariff I. C. C. 1067, 9 cents from Grape to El Centro, Cal., published in Southern Pacific Tariff I. C. C. No. 4067, and 12½ cents from El Centro to Holtville, published in Holton Interurban Tariff I. C. C. No. 13 (this was used in the record as typical of the rates where one of the lines over which the shipments moved was not under federal control).

4. The rate from Ardmore, Okla., to Clarkdale, Ariz., as actually published in the tariffs on file with the Interstate Commerce Commission was \$1.20 per 100 pounds, being a combination of 94½ cents from Ardmore to Cedar Glade, Ariz., published in Agent Countiss' Tariff I. C. C. No. 1048,



and 25½ cents from Cedar Glade to Clarkdale as published in Atchison, Topeka & Santa Fe Railway Tariff I. C. C. No. 6853 (this was used in the record as typical of rates where all lines over which shipments moved were under federal control).

5. Rule 3 of Tariff Circular 18-A of the Interstate Commerce Commission requires that every tariff shall show the name of the issuing carrier, carriers or agent.

6. Rule 4-b of Tariff Circular 18-A of the Interstate Commerce Commission requires that every tariff shall contain the names of the issuing carriers and the names of the participating carriers.

7. Rule 4-d of Tariff Circular 18-A of the Interstate Commerce Commission requires that every tariff shall contain an alphabetical index of the points from and to which the rates apply together with the names of the states in which located.

8. Rule 4-h of Tariff Circular 18-A of the Interstate [249] Commerce Commission requires that all rules, regulations or conditions which in any way affect the rates named in the tariff shall be shown, and that no rule or regulation shall be included which in any way substitutes for any rate in the tariff a rate found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule and regulation is a part, except that a rule and regulation in another tariff be made a part of such rate schedule by specific reference "governed by rules and regulations shown in—I. C. C. No. —," and that when a tariff makes



reference to another tariff the I. C. C. number of such other tariff must be given, and when such tariff referred to is the publication of another carrier or an agent, the initials of such other carrier or name of such agent respectively must be shown in connection with the I. C. C. number.

9. Rule 5-b of Tariff Circular 18-A of the Interstate Commerce Commission requires that tariffs containing basing or proportional rates must specify clearly the extent and manner of their use and the tariffs that are specially intended for use in connection with published basing rates must show the I. C. C. number of the tariff in which the bases can be found.

10. The Interstate Commerce Commission did not authorize the Director-General of Railroads to waive any of its tariff rules except rule 4-i of Circular 18-A (which requires an explicit statement of rates) and rule 9-e of Circular 18-A (which limits the number and size of effective supplements to any tariff).

11. Atchison, Topeka & Santa Fe Railway Tariff I. C. C. 6853 is limited by its terms to apply only between Cedar Glade, Ariz., and Clarkdale, Ariz. (in so far as this particular case is concerned).

12. Southern Pacific Tariff I. C. C. 4067 is limited by its terms to apply only between Grape Cal. and El Centro, Cal. (in so far as the shipments in this case are concerned). [250]

13. The shipments from Ardmore, Okla., to Holtville, Cal., moved over the Gulf, Colorado & Santa Fe, the Chicago, Rock Island & Pacific, the Chicago,

Rock Island & Gulf, the El Paso & Southwestern, the Southern Pacific and the Holton Interurban Railway.

14. The shipments from Ardmore, Okla., to Humboldt, Ariz., moved over the Gulf, Colorado & Santa Fe and the Atchison, Topeka & Santa Fe.

15. The shipments from Ardmore, Okla., to Clarkdale, Ariz., moved over the Gulf, Colorado & Santa Fe and the Atchison, Topeka & Santa Fe.

16. The shipments from Wichita Falls, Tex., to Humboldt, Ariz., moved over the Wichita Valley, Texas & Pacific and Atchinson, Topeka & Santa Fe.

17. The other lines over which the shipments from Ardmore, Okla., and Wichita Falls, Texas, to Clarkdale, and Humboldt, Ariz., are not named as participating carriers in Atchison, Topeka & Santa Fe tariff I. C. C. N. 6853 which published the combination rule and the rate from Cedar Glade, Ariz., one factor used in making the combination rate.

18. Other lines over which the shipments moved from Ardmore, Okla., to Holtville, Cal., are not named as participating carriers in Southern Pacific Tariff I. C. C. No. 4067 which published the combination rule and the rate from Grape, Cal., to El Centro, Cal., one factor used in making the combination rate.

19. Agent Countiss' Tariff I. C. C. No. 1067 does not contain a combination rule and makes no reference to Southern Pacific Tariff I. C. C. No. 4067 (the tariff containing the combination rule and used as typical).

20. Holton Interurban Tariff I. C. C. 13 does not contain a combination rule and makes no reference to Southern Pacific Tariff I. C. C. No. 4067. [251]

24. Agent Countiss' Tariff I. C. C. No. 1048 does not contain a combination rule and makes no reference to Atchison, Topeka & Santa Fe tariff I. C. C. No. 6853.

22. In no instance were all lines handling the shipments parties to the tariff carrying the combination rule.

23. In no instance was there a cross reference to the tariff publishing the combination rule.

24. The Amador Central Railroad Company, Holton Interurban Railway Company, Nevada Copper Belt Railroad Company, Nevada-California-Oregon Railway, Pacific Electric Railway Company, Virginia & Truckee Railway, San Diego & Arizona Railway Company and Yosemite Valley Railroad Company were not under federal control during the time covered by this suit.

25. On January 16, 1924, the Yosemite Valley Railroad, one of the defendants named in the original order of the Interstate Commerce Commission, wrote a letter to said Commission asking if it was correct in its understanding that the Yosemite Valley Railroad was not required by the decision to pay any overcharge that might exist and that the entire amount mentioned in the order was to be paid by the Director-General.

On February 12, 1924, the Chief Examiner replied that from the language of the report it ap-

peared that the Director-General should pay the entire amount of the order.

On February 20, 1925, the Yosemite Valley Railroad telegraphed the Chief Examiner that report of commission indicated short lines not responsible and entire reparation due from Director-General, but that order was directed against all defendants and calling attention to fact suit had been entered. The telegram asked explanation of apparent discrepancy between decision and order.

On February 21, 1925, the Chief Examiner replied that inclusion of other defendants than Director-General in order was in error and issuance of amended order was contemplated. [252]

On February 24, 1925, the Chief Examiner wrote the interested parties that order was in error in including short lines and that an amended order would be issued in conformity with the opinion.

Upon the foregoing findings of fact the Court decides, as

### CONCLUSIONS OF LAW.

a. This suit is barred by the statute of limitations.

b. Plaintiff cannot recover because the Director-General as Agent of all lines participating in the transportation was not served.

c. Even if the order of the commission is valid, plaintiff is not entitled to recover any sum but \$4,293.59 with interest, that being the reparation on the shipments which moved in connection with the Southern Pacific Company.

d. The findings of fact of the commission do not support the order because the findings are that there was a holding out of a method of constructing a through rate which must be protected whereas the order awards reparation on account of overcharges. An overcharge is a charge collected in excess of the legal tariff charge.

e. The legal rate from Ardmore, Okla., to Clarkdale was \$1.20 per 100 pounds, being a combination of 94½ cents from Ardmore to Cedar Glade, Ariz., published in Agent Countiss' Tariff I. C. C. No. 1048, and 25½ cents from Cedar Glade to Clarkdale as published in Atchison, Topeka & Santa Fe Tariff I. C. C. No. 6853 (this was used in the record as typical of instances where all lines over which shipments moved were under federal control).

f. The legal rate from Ardmore, Okla., to Holtville, Cal., was \$1.16 per 100 pounds being a combination of 94½ cents from Ardmore, to Grape, Cal., published in Agent Countiss' Tariff I. C. C. [253] No. 1067, 9 cents from Grape to El Centro, Cal., published in Holton Interurban Tariff I. C. C. No. 13 (this was used in the record as typical of the cases where one of the lines over which the shipments moved was not under federal control).

g. The tariff cannot be extended beyond its territorial limits except by specific cross reference as required by the rules of the commission and the law.

h. Rules 3, 4 and 5 of Tariff Circular 18-8 are mandatory and could not be waived by the commission.



i. Tariffs must state plainly the places between which the property will be carried.

j. Tariffs must show the rates applying between the points shown therein and all rules and regulations which in any way change or effect the rates.

k. The names of all carriers parties to any tariffs must be shown therein.

l. No carrier can participate in the transportation unless it is shown as party to the tariff.

m. Shippers are conclusively presumed to know the legal rates.

n. The Director-General cannot hold out any rate which is not actually published in the tariff.

o. The Director-General cannot hold out any method of constructing a rate other than that legally published in the tariff.

p. The Director-General cannot protect any rate or method of making rates other than those actually published in the tariff.

q. Atchison, Topeka & Santa Fe Tariff I. C. C. 6853 did not hold out any method of constructing through rates from Ardmore, Okla., and Wichita Falls, Texas, to Clarkdale and Humboldt, Ariz.

r. Southern Pacific Tariff I. C. C. 4067 did not hold out any method of constructing a through rate from Ardmore, Okla., to Holtville, Cal. [254]

s. Plaintiff is not entitled to recover because he has not proved any damage due to any holding out by the defendant that rates made by the use of the combination rule would be protected.

t. This is a suit against the United States.

u. Plaintiff is not entitled to recover costs.

v. Plaintiff is not entitled to recover attorney's fees.

w. The order of commission is unlawful and void.

x. The legally published rate must be applied.

y. No rate can be applied except that published in the tariffs lawfully on file with the Interstate Commerce Commission.

z. Plaintiff is not entitled to a judgment in any amount.

aa. The judgment should be for defendant.

#### DEFENDANT'S OBJECTIONS TO PLAINTIFF'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.

I. Plaintiff's proposed finding No. I is objected to on the ground that all the tariffs containing the rates between the points involved and upon the commodities named are not in evidence and said proposed finding is not supported by the evidence; also because it fails to show the routing of the shipments involved or any of them and fails to show which lines of railroad were under federal control and which were not, the evidence showing that some of the lines of railroad over which the shipments were routed were under federal control at time of shipment and some were not. Certain rates and tariffs were named in the evidence as typical and, for this reason, the finding on this request should be confined to the typical illustrations in evidence. The rates charged can be obtained from Complainant's Exhibits No. 1 to 17, inclusive, before the In-

terstate Commerce Commission, but they were not in all cases the legal rates. There is nothing in the record from which the legal rates on all the [255] shipments can be obtained.

Defendant moves to substitute paragraphs 3 and 4 and 13 to 24 inclusive of his proposed findings of fact in lieu of paragraph I of plaintiff's proposed findings of fact.

II. Objection is made to plaintiff's proposed finding No. II because it contains mixed findings of fact and conclusions of law, contrary to the requirements of Rule 95, in that it purports to state the "effect" of certain tariff provisions instead of the provisions themselves; also because the purported facts and conclusions are contrary to the evidence and law and not supported thereby. The evidence is that all lines under federal control were not parties to the tariffs which published the combination rule and in no instance did such tariffs provide "to the effect that said increase of four and one-half cents per hundred pounds would not apply to each separately established rate," or to any similar effect.

Defendant moves to substitute his proposed findings Nos. 13 to 24 inclusive, in lieu of plaintiff's requested and proposed finding No. II.

III. Plaintiff's proposed finding No. III is objected to because it violates the provisions of Rule 95 by mixing proposed findings of fact with conclusions of law which are contrary to law (said conclusion being that the rates charged were in excess of the lawful rates provided in the tariffs)

said purported finding being unsupported by and contrary to the evidence and law; also because the proposed finding "that the shipments made by plaintiff referred to in said petition were made pursuant to and in reliance upon the tariffs referred to in paragraph V to VI inclusive in said petition and particularly in reliance upon the provision referred to in the foregoing finding," is not supported by the evidence; also because it cannot be told or ascertained what specific tariffs or rates are referred to therein; and also because the evidence shows [256] that the rates assessed were not in excess of the lawful rates provided in the applicable tariffs.

Defendant moves to substitute his proposed findings Nos. 5 to 24 inclusive, in lieu of plaintiff's proposed finding No. III.

IV. Objection is made to plaintiff's proposed finding No. IV because it contains mixed findings of fact and conclusions of law contrary to the provisions of Rule 95, said conclusion being that "said rates were, when exacted, in excess of the legally published rates and charges, in violation of Section 1 and Section 6 of the Act to Regulate Commerce, approved February 4, 1887, and acts amendatory thereof and supplementary thereto, and in violation of Section 10 of the Federal Control Act"; also because said conclusion is not justified by the ultimate facts set forth in defendant's proposed findings Nos. 5 to 24 inclusive, and is contrary to law. Defendant also objects to the proposed finding that "plaintiff was damaged thereby in



the sum of \$6,659.33, together with interest thereon at the rate of six per cent per annum," because it assumes that the rates assessed were in excess of the lawful tariff which is contrary to the evidence and unsupported thereby.

V. Objection is made to Paragraph V of plaintiff's proposed findings of fact because the defendant, in his representative capacity as Agent of the government of the United States, is not liable for any attorney fees.

VI and VII. Objection is made to Paragraphs VI and VII of plaintiff's proposed findings because they are not supported by the evidence, and because they contain mixed findings of fact and conclusions of law contrary to the provisions of Rule 95, in that they purport to place a construction on the correspondence referred to instead of stating the substance of the contents.

Defendant moves to substitute his requested finding No. 25 for plaintiff's requested findings Nos. VI and VII. [257]

Defendant also objects to plaintiff's proposed conclusions of law as set forth on page 5 of plaintiff's proposed findings of fact and conclusions of law on the ground that the same are erroneous and contrary to law and not supported by the evidence stated in defendant's proposed findings of fact hereinabove set forth.

Defendant moves to substitute his requested and proposed conclusions of law hereinabove set forth in lieu of those proposed by plaintiff.



Defendant respectfully requests the Court if any of his objections to plaintiff's proposed findings of fact or conclusions of law are overruled in the absence of his counsel herein or if any of defendant's proposed findings of fact and conclusions of law are rejected, that specific exception be allowed defendant to each and all of such findings or conclusions and to the failure to find and conclude as requested by defendant.

Respectfully submitted,

ALEX M. BULL,

JAMES E. LYONS,

Attorneys for Defendant, Andrew W. Mellon (Director-General of Railroads) as Agent. [258]

On the 6th day of October, 1926, the matter of the settlement of said proposed findings and conclusions came on regularly for hearing before the Judge of said court and was argued orally by Marshall P. Madison, Esq., for the plaintiff, and by J. E. Lyons, Esq., for the defendant Mellon, and submitted. Whereupon the Court declined in whole or in part to find or conclude as requested by defendant Mellon and overruled all of said defendant's objections to plaintiff's requested findings and conclusions and to each of them and ordered the findings and conclusions requested by plaintiff to be settled and allowed as signed and filed herein on the 11th day of October, 1926. That the defendant Mellon duly noted and was allowed an exception to all and each of plaintiff's findings and conclusions and to the failure of the Judge to find and conclude as requested by said defendant, and

defendant was allowed an exception to the order overruling each of his objections to each of plaintiff's proposed findings and conclusions.

On the 11th day of October, 1926, and in the absence of the parties, judgment was entered herein in favor of plaintiff and against the defendant Mellon as follows: For the sum of \$590.47 with interest from November 1, 1919, at 6% per annum; \$79.34 with interest from May 15, 1919, at 6% per annum; \$2,149.59 with interest from January 15, 1919, at 6% per annum; \$152.05 with interest from March 22, 1920, at 6% per annum; \$923.46 with interest from April 1, 1919, at 6% per annum; \$420.11 with interest from November 15, 1919, at 6% per annum; \$447.90 with interest from January 15, 1919, at 6% per annum; \$968.18 with interest from May 1, 1919, at 6% per annum; \$928.23 with interest from July 1, 1919, at 6% per annum; together with an attorney's fee of \$500.00 to be taxed as costs, and together with its costs herein expended, taxed at \$28.60; to which judgment and the whole thereof said defendant Mellon duly [259] noted and was allowed an exception.

Within the time allowed by law this bill of exceptions was served on counsel for plaintiff and was filed herein.

WHEREUPON, the Court being willing to preserve the record in order that its ruling be reviewed for error, if any there be, hereby certifies that the foregoing bill of exceptions contains all of the evidence admitted upon the trial of said cause, together with the rulings of the Court thereon and the

rulings of the Court admitting testimony at said trial and the exceptions taken and allowed to such rulings; and also contains a true transcript of the proceedings upon the settlement of the findings of fact and conclusions of law and of the rulings of the Court upon such settlement and the exceptions allowed thereon and to the judgment entered upon the Court's findings and conclusions.

WHEREUPON, said bill of exceptions is hereby settled, certified and signed this 22 day of November, 1926, as correct in all respects and presented in due time.

A. F. ST. SURE,  
United States District Judge.

STIPULATION FOR STATEMENT OF BILL  
OF EXCEPTIONS.

It is hereby stipulated that the foregoing bill of exceptions is correct and may be settled, allowed, certified and signed by the Court without amendment.

Dated: San Francisco, Calif., this 16th day of November, 1926.

PILLSBURY, MADISON & SUTRO,  
Attorneys for Plaintiff.

ALEX. M. BULL,  
JAMES E. LYONS,  
Attorneys for Defendant, Mellon.

[Endorsed]: Filed Nov. 22, 1926. [260]

[Title of Court and Cause.]

PETITION FOR WRIT OF ERROR.

To the Honorable A. F. ST. SURE, Judge Presiding, and to the Judges of the above-entitled court:

Now comes Andrew W. Mellon (Director-General of Railroads), as Agent of the President under the provisions of Section 206 of the Transportation Act, 1920, successor to and substituted for James C. Davis, one of the defendants in the above-entitled action, by Alex M. Bull and James E. Lyons, his attorneys, and shows:

That on the 11th day of October, 1926, the above-entitled court entered a judgment herein in favor of plaintiff and against your petitioner and defendant Andrew W. Mellon (Director-General of Railroads), as Agent of the President under the provisions of Section 206 of the Transportation Act, 1920, in which judgment and proceedings prior thereto in this cause certain errors were committed to the prejudice of said defendant, all of which will more in detail appear from the assignment of errors filed with this petition.

WHEREFORE, said defendant prays that a writ of error may issue in his behalf to the United States Circuit Court of Appeals for the Ninth Circuit for the correction of the errors so complained of, and that a transcript of the record, proceedings and papers in this case, duly authenticated, may be sent to the United [261] States Circuit Court of Ap-



peals for the Ninth Circuit and that such other and further proceedings be had as may be proper in the premises.

Dated: San Francisco, California, this 22d day of November, 1926.

ALEX M. BULL,  
Hurley Wright Bldg., Washington, D. C.,  
JAMES E. LYONS,  
65 Market St., San Francisco, California,  
Attorneys for Defendant, Andrew W. Mellon.

Receipt of the within petition for writ of error is admitted this 22d day of November, 1926.

PILLSBURY, MADISON & SUTRO,  
Attorneys for Plaintiff.

[Endorsed]: Filed Nov. 22, 1926. [262]

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[Title of Court and Cause.]

### ASSIGNMENTS OF ERROR.

Now comes Andrew W. Mellon (Director-General of Railroads) as Agent, substituted for James C. Davis (Director-General of Railroads) as Agent, one of the defendants in the above-entitled action, and in connection with his petition for writ of error makes the following assignments of error which he avers occurred upon the trial of said cause, or were committed by the Court in the findings of fact and conclusions of law and in the rendition of judgment and proceedings prior thereto, to wit:



1. The Court erred in overruling the demurrer of the defendant Davis to the petition or complaint.

2. The Court erred in denying the motion of the defendant Davis to dismiss.

3. The Court erred in finding the following fact, which was requested by plaintiff, to wit:

“That the rates on file with the Interstate Commerce Commission, as of June 24, 1918, from and to the following points, were as follows: [263]

From	To	Rate	Commodity
Rochester, N. Y.	Colfax, Wash.	\$1.28	Petroleum Products
El Segundo, Cal.	Holtville, Cal.	.63½	Petroleum Products
El Segundo, Cal.	Holtville, Cal.	.51½	Engine (naphtha) Distillate
Ardmore, Okla.	Holtville, Cal.	1.11½	Gasoline
Dallas, Tex.	Holtville, Cal.	1.11½	Gasoline
Harrys, Tex.	Holtville, Cal.	1.11½	Gasoline
Cushing, Okla.	Holtville, Cal.	1.11½	Gasoline
Ardmore, Okla.	Calexico, Cal.	1.01½	Petroleum Products
Rochester, N. Y.	Willbridge, Ore.	1.28	Petroleum Products
Salt Lake City, Utah	Yerington, Nev.	1.10½	Petroleum Products
Ardmore, Okla.	Yerington, Nev.	1.25½	Gasoline
Richmond, Cal.	Yerington, Nev.	.84	Petroleum Products
Salt Lake City, Utah	Carson City, Nev.	.96½	Petroleum Products
Richmond, Cal.	Carson City, Nev.	.70	Petroleum Products
Sugar Creek, Mo.	Carson City, Nev.	1.09½	Petroleum Products

From	To	Rate	Commodity
Salt Lake City, Utah	Alturas, Cal.	1.20½	Petroleum Products
Richmond, Cal.	El Portal, Cal.	.63½	Petroleum Products
Richmond, Cal.	El Portal, Cal.	.42½	Engine (naphtha) Distillate
El Segundo, Cal.	Palm City, Cal.	.22	Engine (naphtha) Distillate
El Segundo, Cal.	Palm City, Cal.	.25	Petroleum Products
El Segundo, Cal.	Santee, Cal.	.28½	Petroleum Products
El Segundo, Cal.	Santee, Cal.	.24	Engine (naphtha) Distillate
Richmond, Cal.	Martell, Cal.	.25½	Engine (naphtha) Distillate
Richmond, Cal.	Martell, Cal.	.30½	Petroleum Products
Ardmore, Okla.	Clarkdale, Ariz.	1.15½	Gasoline
Ardmore, Okla.	Humboldt, Ariz.	1.08½	Gasoline
Wichita Falls, Tex.	Humboldt, Ariz.	1.08½	Gasoline
Fort Worth, Tex.	Clarkdale, Ariz.	1.15½	Gasoline

increase four and one-half cents for the through continuous movement,”

which is contained in Paragraph I of the findings of fact requested by plaintiff and in Paragraph I of the findings of fact of the Court, for the reason that there is no competent evidence to sustain such a finding, and the same is not supported by the evidence and is contrary thereto in that all the tariffs are not in evidence, certain typical examples being used as illustrative.

4. The Court erred in finding the following fact, which was requested by plaintiff, to wit:

“That in amending the tariffs of rates on petroleum and petroleum products as set forth in plaintiff’s petition to make effective the four and one-half cents advance referred to in paragraphs [264] V and VI of said petition, the carriers under federal control included in the tariffs a provision to the effect that when the charges on a continuous through movement are obtained by the combination of separately established rates, the increase of four and one-half cents per hundred pounds will apply as to the total of such combined rates in effect June 24, 1918 (some tariffs provided May 25, 1918), fifth class rates as increased June 25, 1918, not to be exceeded, and to the effect that said increase of four and one-half cents per hundred pounds would not apply to each separately established rate,”

which is contained in Paragraph II of the findings of fact requested by plaintiff and in Paragraph II

of the findings of fact of the Court, for the reason that there is no competent evidence to sustain such a finding, and the same is not supported by the evidence and is contrary thereto, in that the evidence shows without conflict that all the carriers participating in the transporting of plaintiff's shipments were not parties to the tariffs publishing the combination rule and in no instance did said combination rule provide "to the effect that said increase of four and one-half cents per hundred pounds would not apply to each separately established rate." The record shows without conflict that many of the participating carriers over which plaintiff's shipments moved are not named as participating in rates which published the combination rule and that the tariffs of such carriers make no reference thereto.

5. The Court erred in finding the following fact which was requested by plaintiff, to wit:

"That the shipments made by plaintiff referred to in said petition were made pursuant to and in reliance upon the tariffs referred to in paragraphs V to VII, inclusive, in said petition, and particularly in [265] reliance upon the provision referred to in the foregoing finding. That the rates charged and assessed by the defendant James C. Davis (Director General of Railroads) as Agent, for whom the defendant Andrew W. Mellon (Director General of Railroads) as Agent, has been substituted, for transporting the shipments of plaintiff hereinabove set forth, were



in excess of the lawful rates provided in said tariff, and more particularly of the provision in the foregoing finding referred to, in that the four and one-half cent advance was applied by the defendant James C. Davis (Director General of Railroads) as Agent, for whom the defendant Andrew W. Mellon (Director General of Railroads) as Agent, has been substituted, upon each separate factor contained in the combination of factors making the rate for the continuous through movement for the particular shipment in question in some cases, and in other cases the four and one-half cent advance was applied on one factor and a twenty-five per cent advance was applied on the other factor contained in the combination of factors making the rate for the continuous through movement for the particular shipment in question, and said advances were not limited to a single four and one-half cent advance on the rate for the continuous through movement made from the combination of factors. That said charges were paid and borne by plaintiff herein,"

which is contained in paragraph III of the findings of fact requested by plaintiff and in paragraph III of the findings of fact of the Court, for the reason that there is no competent evidence to sustain such a finding, and the same is not supported by the evidence and is contrary thereto and that the record shows without conflict that [266] the rates assessed upon plaintiff's shipments were the rates

provided in the applicable tariffs on file with the Interstate Commerce Commission of the carriers participating in the transportation.

6. The Court erred in finding the following fact, which was requested by the plaintiff, to wit:

“That by reason of the facts contained in the foregoing finding, plaintiff was subjected to the payment of rates and charges for the transportation of the shipments referred to in said petition, which said rates were, when exacted, in excess of the legally published rates and charges, in violation of Section 1 and Section 6 of the Act to Regulate Commerce, approved February 4, 1887, and acts amendatory thereof and supplementary thereto, and in violation of Section 10 of the Federal Control Act, and plaintiff was damaged thereby in the sum of \$6,659.33, together with interest thereon at the rate of six per cent (6%) per annum,” which is contained in Paragraph IV of the findings of fact requested by plaintiff and in Paragraph IV of the findings of fact of the Court, for the reason that the same is not sustained nor supported by competent evidence and is contrary to the evidence which shows without conflict that the rates assessed on plaintiff’s shipments referred to in its petition were not in excess of the legally published rates and charges.

7. The Court erred in finding the following fact, which was requested by plaintiff, to wit:

“That five hundred dollars (\$500.) is a rea-

sonable attorney's fee for the prosecution of this action,"

which is contained in Paragraph V of the findings of fact requested by plaintiff and in Paragraph V of the findings of fact of the Court, for the reason that as a matter of law no attorney's fee at all can be allowed for the prosecution of this action against [267] the defendant in his representative capacity as agent of the Government of the United States of America.

8. The Court erred in making the following conclusion of law, which was requested by the plaintiff, to wit:

"Plaintiff is entitled to judgment against the defendant Andrew W. Mellon (Director General of Railroads) as Agent, substituted for James C. Davis (Director General of Railroads) as Agent, as follows: \$590.47 with interest from November 1, 1919 at 6% per annum; \$79.34 with interest from May 15, 1919, at 6% per annum; \$2,149.59 with interest from January 15, 1919, at 6% per annum; \$152.05 with interest from March 22, 1920, at 6% per annum; \$923.46 with interest from April 1, 1919, at 6% per annum; \$420.11 with interest from November 15, 1919, at 6% per annum; \$447.90 with interest from January 15, 1919, at 6% per annum; \$968.18 with interest from May 1, 1919, at 6% per annum; \$928.23 with interest from July 1, 1919, at 6% per annum; together with an attorney's fee of \$500 to be

taxed as costs, and together with costs to be taxed,"

for the reason that the same is not sustained nor supported by any competent evidence and is contrary to the evidence and the law for the reason that the record shows without conflict that the rates assessed on the shipments referred to in the petition on file herein were the lawful tariff rates and because no attorney's fee or costs can be allowed against this defendant in his representative capacity as agent of the Government of the United States of America.

9. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

"The petition in this case was not served upon the Director General of Railroads as Agent against whom causes of action may be brought arising out of the operation of the lines of the Atchison, Topeka & Santa Fe Railway Company," [268]

such requested finding being contained in Paragraph 1 of the special findings of fact requested by said defendant, for the reason that such fact was established conclusively by the evidence and is admitted and uncontradicted and because such finding is material to the issues herein.

10. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

"The only service in this case was upon the Director-General as a party against whom suits



may be brought for causes of action arising out of the operation or control by the President of the lines of the Southern Pacific Company,"

such requested finding being contained in Paragraph 2 of the special findings of fact requested by said defendant, for the reason that such fact was established conclusively by the evidence and is admitted and uncontradicted and because such finding is material to the issues herein.

11. The Court erred in refusing to find the following fact, which was requested by the defendant Mellon, to wit:

"The rate from Ardmore, Okla., to Holtville, Cal., as actually published in the tariffs on file with the Interstate Commerce Commission was \$1.16 per 100 pounds, being a combination of 94½ cents from Ardmore to Grape, Cal., published in Agent Countiss' tariff I. C. C. 1067, 9 cents from Grape to El Centro, Cal., published in Southern Pacific Tariff I. C. C. No. 4067, and 12½ cents from El Centro to Holtville, published in Holton Interurban Tariff I. C. C. No. 13 (this was used in the record as typical of the rates where one of the lines over which the shipments moved was not under Federal Control),"

such requested finding being contained in Paragraph 3 of the special [269] findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues herein.



12. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“The rate from Ardmore, Okla., to Clarkdale, Ariz., as actually published in the tariffs on file with the Interstate Commerce Commission was \$1.20 per 100 pounds, being a combination of 94½ cents from Cedar Glade, Ariz., published in Agent Countiss’ tariff I. C. C. No. 1048, and 25½ cents from Cedar Glade to Clarkdale as published in Atchison, Topeka & Santa Fe Railway Tariff I. C. C. No. 6853 (this was used in the record as typical of rates where all lines over which shipments moved were under federal control).”

such requested finding being contained in Paragraph 4 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues herein.

13. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“Rule 3 of Tariff Circular 18-A of the Interstate Commerce Commission requires that every tariff shall show the name of the issuing carrier, carriers or agents,”

such requested finding being contained in Paragraph 5 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

14. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit: [270]

“Rule 4-b of Tariff Circular 18-A of the Interstate Commerce Commission requires that every tariff shall contain the names of the issuing carriers and the names of the participating carriers,”

such requested findings being contained in Paragraph 6 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

15. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“Rule 4-d of Tariff Circular 18-A of the Interstate Commerce Commission requires that every tariff shall contain an alphabetical index of the points from and to which the rates apply together with the names of the states in which located,”

such requested finding being contained in Paragraph 7 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

16. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“Rule 4-h of Tariff Circular 18-A of the Interstate Commerce Commission requires that all rules, regulations or conditions which in

any way affect the rates named in the tariff shall be shown, and that no rule or regulation shall be included which in any way substitutes for any rate in the tariff a rate found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule and regulation is a part, except that a rule and regulation in another tariff be [271] made a part of such rate schedule by specific reference "governed by rules and regulations shown in — I. C. C. No. —," and that when a tariff makes reference to another tariff the I. C. C. number of such other tariff must be given, and when such tariff referred to is the publication of another carrier or an agent, the initials of such other carrier or name of such agent respectively must be shown in connection with the I. C. C. number,"

such requested finding being contained in Paragraph 8 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

17. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

"Rule 5-b of Tariff Circular 18-A of the Interstate Commerce Commission requires that tariffs containing basing or proportional rates must specify clearly the extent and manner of their use and the tariffs that are specially intended for use in connection with published bas-

ing rates must show the I. C. C. number of the tariff in which the bases can be found,” such requested finding being contained in Paragraph 9 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

18. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“The Interstate Commerce Commission did not authorize the Director-General of Railroads to waive any of its tariff rules except rule 4-i of [272] Circular 18-A (which requires an explicit statement of rates) and rule 9-e of Circular 18-A (which limits the number and size of effective supplements to any tariffs),” such requested finding being contained in Paragraph 10 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

19. The Court erred in refusing *the* find the following fact which was requested by the defendant Mellon, to wit:

“Atchison, Topeka & Santa Fe Railway Tariff I. C. C. 6853 is limited by its terms to apply only between Cedar Glade, Ariz., and Clarkdale, Ariz. (in so far as this particular case is concerned),”

such requested finding being contained in Paragraph 11 of the special findings of fact requested by said defendant, for the reason that such fact was



conclusively proven by the evidence and is material to the issues of the case.

20. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“Southern Pacific Tariff I. C. C. 4067 is limited by its terms to apply only between Grape, Cal. and El Centro, Cal. (in so far as the shipments in this case are concerned).”

such requested finding being contained in Paragraph 12 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

21. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“The shipments from Ardmore, Okla., to Holtville, Cal., moved over the Gulf, Colorado & Santa Fe, the [273] Chicago, Rock Island & Pacific, the Chicago, Rock Island & Gulf, the El Paso & Southwestern, the Southern Pacific and the Holton Interurban Railway.”

such requested finding being contained in Paragraph 13 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

22. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“The shipments from Ardmore, Okla., to Humboldt, Ariz., moved over the Gulf, Colo-



rado & Santa Fe and the Atchison,\* Topeka & Santa Fe,”

such requested finding being contained in Paragraph 14 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

23. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“The shipments from Ardmore, Okla., to Clarkdale, Ariz., moved over the Gulf, Colorado & Santa Fe and the Atchison, Topeka & Santa Fe,”

such requested finding being contained in Paragraph 15 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

24. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“The shipments from Wichita Falls, Tex., to Humboldt, Ariz., moved over the Wichita Valley, Texas & Pacific and Atchison, Topeka & Santa Fe,”

such requested finding being contained in Paragraph 16 of the special findings of fact requested by said defendant, for the reason that [274] such fact was conclusively proven by the evidence and is material to the issues of the case.

25. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“The other lines over which the shipments moved from Ardmore, Okla., and Wichita Falls, Texas, to Clarkdale, and Humboldt, Ariz., are not named as participating carriers in Atchison, Topeka & Santa Fe Tariff I. C. C. No. 6853 which published the combination rule and the rate from Cedar Glade, Ariz., one factor used in making the combination rate.”

such requested finding being contained in Paragraph 17 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

26. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“Other lines over which the shipments moved from Ardmore, Okla., to Holtville, Cal., are not named as participating carriers in Southern Pacific Tariff I. C. C. No. 4067 which published the combination rule and the rate from Grape, Cal., to El Centro, Cal., one factor used in making the combination rate.”

such requested finding being contained in Paragraph 18 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

27. The Court erred in refusing to find the fol-

lowing fact which was requested by the defendant Mellon, to wit:

“Agent Countiss’ Tariff I. C. C. No. 1067 does not contain a combination rule and makes no reference to Southern Pacific Tariff I. C. C. No. 4067 (the [275] tariff containing the combination rule and used as typical),”

such requested finding being contained in Paragraph 19 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

28. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“Holton Interurban Tariff I. C. C. 13 does not contain a combination rule and makes no reference to Southern Pacific Tariff I. C. C. No. 4067,”

such requested finding being contained in Paragraph 20 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

29. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“Agent Countiss’ Tariff I. C. C. No. 1048 does not contain a combination rule and makes no reference to Atchison, Topeka & Santa Fe Tariff I. C. C. No. 6853,”

such requested finding being contained in Paragraph 21 of the special findings of fact requested

by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

30. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“In no instance were all lines handling the shipments parties to the tariff carrying the combination rule,”

such requested finding being contained in Paragraph 22 of the special findings of fact requested by said defendant, for the reason that [276] such fact was conclusively proven by the evidence and is material to the issues of the case.

31. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“In no instance was there a cross reference to the tariff publishing the combination rule.”

such requested finding being contained in Paragraph 23 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

32. The Court erred in refusing to find the following fact which was requested by the defendant Mellon, to wit:

“The Amador Central Railroad Company, Holton Interurban Railway Company, Nevada Copper Belt Railroad Company, Nevada-California-Oregon Railway, Pacific Electric Railway Company, Virginia & Truckee Railway,



San Diego & Arizona Railway Company and Yosemite Valley Railroad Company were not under federal control during the time covered by this suit,"

such requested finding being contained in Paragraph 24 of the special findings of fact requested by said defendant, for the reason that such fact was conclusively proven by the evidence and is material to the issues of the case.

33. The Court erred in refusing to make the following conclusion of law requested by defendant Mellon in Paragraph a of his requested conclusions of law, to wit:

"This suit is barred by the statute of limitations,"

for the reason that the pleadings show upon their face that this suit is barred by the provisions of Subdivision (a) of Section 206 of the Transportation Act 1920. [277]

34. The Court erred in refusing to make the following conclusion of law requested by defendant Mellon in Paragraph b of his requested conclusions of law, to wit:

"Plaintiff cannot recover because the Director-General as Agent of all lines participating in the transportation was not served,"

because the evidence shows without conflict, particularly by Defendant's Exhibit "A," that the only service of process in this case upon the Director-General of Railroads and/or Agent of the President under Section 206 of the Transportation Act, 1920, was upon the Agent of the President against



whom causes of action arising out of the possession, use or operation by the President (under the provisions of the Federal Control Act, or Act of August 29, 1916) of the railroad or system of transportation of Southern Pacific Company.

35. The Court erred in refusing to make the following conclusion of law requested by defendant Mellon in Paragraph c of his requested conclusions of law, to wit:

“Even if the order of the Commission is valid, plaintiff is not entitled to recover any sum but \$4,293.59 with interest, that being the reparation on the shipments which moved in connection with the Southern Pacific Company,”

because the evidence shows without conflict, particularly by Defendant's Exhibit “A,” that the only service of process in this case upon the Director-General of Railroads and/or Agent of the President under Section 206 of the Transportation Act, 1920, was upon the Agent of the President against whom causes of action arising out of the possession, use or operation by the President (under the provisions of the Federal Control Act, or Act of August 29, 1916) of the railroad or system of transportation of Southern Pacific Company.

36. The Court erred in refusing to make the following conclusion of law requested by defendant Mellon in Paragraph d of his [278] requested conclusions of law, to wit:

“The findings of fact of the Commission do not support the order because the findings are

that there was a holding out of a method of constructing a through rate which must be protected whereas the order awards reparation on account of overcharges. An overcharge is a charge collected in excess of the legal tariff charge.”

37. The Court erred in refusing to make the following conclusions of law requested by defendant Mellon in paragraphs e, f, q and r of his requested conclusions of law, to wit:

“The legal rate from Ardmore, Okla., to Clarkdale, was \$1.20 per 100 pounds, being a combination of 94½ cents from Ardmore to Cedar Glade, Ariz., published in Agent Countiss’ Tariff I. C. C. No. 1048, and 25½ cents from Cedar Glade to Clarkdale as published in Atchison, Topeka & Santa Fe Tariff I. C. C. No. 6853 (this was used in the record as typical of instances where all lines over which shipments moved were under federal control).”

“The legal rate from Ardmore, Okla., to Holtville, Cal., was \$1.16 per 100 pounds, being a combination of 94½ cents from Ardmore, to Grape, Cal., published in Agent Countiss’ Tariff I. C. C. No. 1067, 9 cents from Grape to El Centro, Cal., published in Holton Interurban Tariff I. C. C. No. 13 (this was used in the record as typical of the cases where one of the lines over which the shipments moved was not under federal control).”

“Atchison, Topeka & Santa Fe Tariff I. C. C. 6853 did not hold out any method of construct-

ing through rates from Ardmore, Okla., and Wichita Falls, Texas, to Clarkdale and Humboldt, Ariz." [279]

"Southern Pacific Tariff I. C. C. 4067 did not hold out any method of constructing a through rate from Ardmore, Okla., to Holtville, Cal.,"

for the reason that such conclusions were justified and required by the documentary and oral evidence of record herein.

38. The Court erred in refusing to make the following conclusions of law requested by defendant Mellon in paragraphs g, h, i, j and k of his requested conclusions of law, to wit:

"The tariff cannot be extended beyond its territorial limits except by specific cross-reference as required by the rules of the Commission and the law."

"Rules 3, 4 and 5 of Tariff Circular 18-A are mandatory and could not be waived by the Commission."

"Tariffs must state plainly the places between which the property will be carried."

"Tariffs must show the rates applying between the points shown therein and all rules and regulations which in any way change or affect the rates."

"The names of all carriers parties to any tariffs must be shown therein."

for the reason that such conclusions are justified and required by the evidence and the law.

39. The Court erred in refusing to make the

following conclusions of law requested by defendant Mellon in paragraphs l, m, n, o, p, x and y of his requested conclusions of law, to wit:

“No carrier can participate in the transportation unless it is shown as party to the tariff.”

“Shippers are conclusively presumed to know the legal rates.”

“The Director-General cannot hold out any rate which is not actually published in the tariff.” [280]

“The Director-General cannot hold out any method of constructing a rate other than that legally published in the tariff.”

“The Director-General cannot protect any rate or method of making rates other than those actually published in the tariff.”

“The legally published rate must be applied.”

“No rate can be applied except that published in the tariffs lawfully on file with the Interstate Commerce Commission,”

for the reason that such conclusions are justified and required by the evidence and the law.

40. The Court erred in refusing to make the following conclusion of law requested by defendant Mellon in paragraph s of his requested conclusions of law, to wit:

“Plaintiff is not entitled to recover because he has not proved any damage due to any holding out by the defendant that rates made by the use of the combination rule would be protected.”



41. The Court erred in refusing to make the following conclusion of law requested by defendant Mellon in paragraph t of his requested conclusions of law, to wit:

"This is a suit against the United States," because the record so shows on its face and it is a fact admitted to be true.

42. The Court erred in refusing to make the following conclusions of law requested by defendant Mellon in paragraphs u and v of his requested conclusions of law, to wit:

"Plaintiff is not entitled to recover costs."

"Plaintiff is not entitled to recover attorney's fees."

for the reason that there is no authority in law for the recovery of [281] costs and/or attorney's fees against the defendant Mellon in his representative capacity as Agent of the President under the provisions of Section 206 of the Transportation Act, 1920.

43. The Court erred in refusing to make the following conclusion of law requested by defendant Mellon in paragraph w of his requested conclusions of law, to wit:

"The order of the Commission is unlawful and void,"

for the reason that the findings are that there was a holding out of a method of constructing a through rate which must be protected, whereas the order of the Commission awards reparation on account of overcharges, an overcharge being a charge collected in excess of the legal tariff rate; and for



the further reason that the order of the Commission is not supported by any competent evidence and is contrary thereto and is against the law because it requires the defendant to apply an unpublished rate in violation of law and particularly of Section 6 of the Interstate Commerce Act, as amended.

44. The Court erred in refusing to make the following conclusion of law requested by defendant Mellon in paragraph z of his requested conclusions of law, to wit:

“Plaintiff is not entitled to a judgment in any amount,”

for the reasons hereinbefore assigned.

45. The Court erred in refusing to make the following conclusion of law requested by defendant Mellon in paragraph aa of his requested conclusions of law, to wit:

“The judgment should be for defendant,”

for each and all of the reasons set forth in paragraphs a to z, inclusive, of the conclusions of law proposed by said defendant Mellon.

46. The Court erred in overruling the objections of defendant Mellon to plaintiff's proposed findings of fact and conclusions of law, for each and all of the reasons stated in said defendant's [282] written objections.

47. The Court erred in finding and concluding that the Commission's order for the payment of reparation was valid; and in failing to find that the same was null and void, for the reasons hereinbefore assigned.

48. The Court erred in entering judgment in favor of plaintiff and against the defendant Mellon, and in failing and refusing to enter judgment in favor of said defendant Mellon and against the plaintiff, for each and all of the reasons set forth in the proposed conclusions of law of said defendant Mellon hereinabove set forth.

WHEREFORE, said defendant Mellon prays that the judgment of the Southern Division of the District Court of the United States for the Northern District of California, Second Division, may be reversed.

ALEX M. BULL,  
JAMES E. LYONS,

Attorneys for Defendant Mellon.

Receipt of the within assignment of errors is admitted this 22d day of November, 1926.

PILLSBURY, MADISON & SUTRO,  
Attorneys for Plaintiff.

[Endorsed]: Filed Nov. 22, 1926. [283]

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[Title of Court and Cause.]

### ORDER ALLOWING WRIT OF ERROR.

On this 22d day of November, 1926, came Andrew W. Mellon (Director-General of Railroads) as Agent, one of the defendants above named, by Alex M. Bull and James E. Lyons, his attorneys, and filed herein and presented to this court his petition praying for the allowance of a writ of error and the assignment of errors intended to be urged

by him, praying also that a transcript of the record, proceedings and papers upon which the judgment herein was rendered, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Circuit, and that such other and further proceedings may be had as may be proper in the premises.

And it appearing that under Sections 1,000 and 1,001 of the United States Revised Statutes no bond, obligation or security is required from the United States or any department of the Government either to prosecute said suit or to answer in damages or costs, and that defendant is sued herein as representative of a department of the Government of the United States:

NOW, THEREFORE, on consideration whereof, this Court does hereby allow the writ of error and orders that said writ issue without requiring the filing of any bond. [284]

Dated at San Francisco, California, this 22d day of November, 1926.

A. F. ST. SURE,  
United States District Judge.

[Endorsed]: Filed Nov. 22, 1926. [285]

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[Title of Court and Cause.]

PRAECIPE FOR TRANSCRIPT OF RECORD.  
To the Honorable Walter B. Maling, Clerk of the  
Above-entitled Court:

You are hereby requested to make a transcript

of record to be filed in the United States Circuit Court of Appeals for the Ninth Circuit, pursuant to a writ of error allowed in the above-entitled cause, and to include in such transcript the following papers, to wit:

1. Petition or complaint.
2. Demurrer to complaint.
3. Opinion dated June 23, 1925, of Judge Partridge, overruling demurrer.
4. Minute order overruling demurrer.
5. Motion of James C. Davis to dismiss.
6. Minute order overruling motion to dismiss.
7. Amendment and supplement to petition.
8. Stipulation and order that the demurrer of James C. Davis to the original petition or complaint on file herein and motion of said defendant to dismiss said original petition or complaint shall stand as a demurrer and motion to dismiss the said original petition as amended and supplemented by the amendment and supplement to said petition on file herein.
9. First amended answer of James C. Davis.  
[286]
10. Stipulation waiving jury.
11. Stipulation and order substituting defendants.
12. Opinion of Judge St. Sure on ordering judgment for plaintiff.
13. Findings of fact and conclusions of law, dated October 11, 1926, and entitled "Decision."
14. Judgment on findings.



15. Stipulation relative to matters to be included in and omitted from bill of exceptions.
16. Bill of exceptions.
17. Petition for writ of error.
18. Assignments of error.
19. Order allowing writ of error.
20. The writ of error.
21. Citation on writ of error.
22. This praecipe.
23. Clerk's certificate to transcript.

Dated: San Francisco, California, this 23d day of November, 1926.

ALEX M. BULL,  
JAMES E. LYONS,

Attorneys for Defendant Mellon.

Receipt of copy of the within praecipe for transcript of record is admitted this 23d day of November, 1926.

PILLSBURY, MADISON & SUTRO,  
Attorneys for Plaintiff.

[Endorsed]: Filed Nov. 23, 1926. [287]

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CERTIFICATE OF CLERK U. S. DISTRICT  
COURT TO TRANSCRIPT OF RECORD  
ON WRIT OF ERROR.

I, Walter B. Maling, Clerk of the District Court of the United States for the Northern District of California do hereby certify the foregoing 287 pages, numbered from 1 to 287 inclusive, to be full, true and correct copies of the record and proceed-



ings as enumerated in the praecipe for record on writ of error as the same remains on file and of record in the above-entitled case in the office of the Clerk of said court, and that the same constitute the return to the annexed writ of error.

I further certify that the costs for the foregoing return to the writ of error is \$61.00, that said amount was paid by the defendant and that the original writ of error and citation issued in said cause are hereto annexed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said District Court this 8th day of December, 1926.

[Seal]                      WALTER B. MALING,  
Clerk of the District Court of the United States  
for the Northern District of California. [288]

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[Title of Court and Cause.]

### WRIT OF ERROR.

United States of America,—ss.

The President of the United States of America, to the Honorable, the Judge or Judges of the Southern Division of the District Court of the United States for the Northern District of California, Second Division, GREETING:

Because in the record and proceedings, as also in the rendition of judgment, of a plea which is in the said District Court before you, or some of you, between Standard Oil Company (California), a corporation, plaintiff, and Andrew W. Mellon (Di-

rector-General of Railroads), as Agent, et al., defendants, a manifest error hath happened to the great damage of the said Andrew W. Mellon (Director-General of Railroads), as Agent, defendant, as by his complaint appears;

And we, being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, you send the record and proceedings aforesaid, with all things concerning the same, to the United States Circuit Court of Appeals for the Ninth Circuit, together with this writ, so that you have the same at the city of San Francisco, State of California, where said court is sitting on the 22d day of December, 1926, and within thirty (30) days from the [289] date hereof, in the said Circuit Court of Appeals to be then and there held, that the record and proceedings aforesaid being inspected, the said Circuit Court of Appeals may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States, should be done.

WITNESS, the Honorable WILLIAM HOWARD TAFT, Chief Justice of the United States, this 22d day of November, 1926.

[Seal]

WALTER B. MALING,  
Clerk of the United States District Court for the  
Northern District of California.

By Harry L. Fouts.

Allowed by:

A. F. ST. SURE,  
United States District Judge.

Receipt of copy of the within writ of error is admitted this 23d day of November, 1926.

PILLSBURY, MADISON & SUTRO,  
JMC.,  
Attorneys for Plaintiff.

[Endorsed]: Filed Nov. 23, 1926. [290]

### RETURN TO WRIT OF ERROR.

The answer of the Judge of the District Court of the United States, in and for the Northern District of California, Second Division.

The record and all proceedings of the plaintiff whereof mention is within made, with all things touching the same, we certify under the seal of our said court, to the United States Circuit Court of Appeals for the Ninth Circuit, within mentioned, at the day and place within contained, in a certain schedule to this writ annexed as within we are commanded.

By the Court:

[Seal]                      WALTER B. MALING,  
Clerk of the District Court of the United States  
for the Northern District of California. [291]

[Title of Court and Cause.]

CITATION ON WRIT OF ERROR.

United States of America,

Northern District of California,—ss.

The President of the United States to Standard  
Oil Company (California), a Corporation,  
GREETING:

You are hereby cited and admonished to be and appear at a session of the United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the city and county of San Francisco, State of California, in said circuit, on the 22d day of December, 1926, being within thirty (30) days from date hereof, pursuant to a writ of error filed in the Clerk's office of the Southern Division of the United States District Court for the Northern District of California, Second Division, wherein Andrew W. Mellon (Director-General of Railroads), as Agent, is the plaintiff in error, and you are the defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiff in error, as in said writ of error mentioned, should not be corrected, and speedy justice should not be done to the parties in that behalf.

WITNESS the Honorable A. F. ST. SURE,  
United States District Judge for the Northern District of California, this 22d day of November, 1926.

A. F. ST. SURE,

United States District Judge.

Receipt of copy of the within citation on writ of error is admitted this 23d day of November, 1926.

PILLSBURY, MADISON & SUTRO,

JMC.,

Attorneys for Plaintiff.

[Endorsed]: Filed Nov. 23, 1926. [292]

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[Endorsed]: No. 5022. United States Circuit Court of Appeals for the Ninth Circuit. Andrew W. Mellon (Director-General of Railroads), as Agent, Plaintiff in Error, vs. Standard Oil Company (California), a Corporation, Defendant in Error. Transcript of Record. Upon Writ of Error to the Southern Division of the United States District Court of the Northern District of California, Second Division.

Filed December 8, 1926.

F. D. MONCKTON,

Clerk of the United States Circuit Court of Appeals for the Ninth Circuit.

By Paul P. O'Brien,

Deputy Clerk.

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